Metcalf	Pine	Sheppard	Wadsworth
Moses	Pittman	Shipstead	Walsh, Mass.
Neely	Ransdell	Shortridge	Walsh, Mont.
Norbeck	Reed, Mo.	Steck	Warren
Norris	Reed, Pa.	Stephens	Watson
Nye	Robinson, Ark.	Stewart	Willis
Oddie	Robinson, Ind.	Swanson	
Overman	Sackett	Trammell	
Phipps	Schall	Tyson	

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, there is a quorum present.

The question is on agreeing to the motion of the Senator from Indiana to adjourn.

Mr. REED of Pennsylvania. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "nay."

Mr. BRATTON (when the name of Mr. JONES of New Mexico was called). My colleague is absent on account of illness. I ask that this announcement may stand for the evening.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD].

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Montana [Mr. WHEELER], and

The Senator from Colorado [Mr. MEANS] with the Senator from South Carolina [Mr. SMITH].

The roll call was concluded.

Mr. HARRELD (after having voted in the affirmative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence, I transfer that pair to the senior Senator from Vermont [Mr. GREENE] and allow my vote to stand.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent on account of illness. As has just been stated, he is paired with the Senator from Oklahoma [Mr. HARRELD].

The result was announced—yeas 21; nays 58, as follows:

YEAS—21

Blease	Hale	Phipps	Wadsworth
Cameron	Harreld	Pine	Watson
Deneen	McLean	Reed, Pa.	Willis
Edge	Metcalf	Robinson, Ind.	
Ernst	Moses	Shortridge	
Gould	Oddie	Stanfield	

NAYS—58

Ashurst	Frazier	La Follette	Sackett
Bayard	George	Lenroot	Schall
Borah	Gerry	McKellar	Sheppard
Bratton	Glass	McMaster	Shipstead
Broussard	Goff	McNary	Steck
Bruce	Gooding	Mayfield	Stephens
Capper	Harris	Neely	Stewart
Caraway	Harrison	Norbeck	Swanson
Copeland	Hawes	Norris	Trammell
Curtis	Heflin	Nye	Tyson
Dill	Johnson	Overman	Walsh, Mass.
Edwards	Jones, Wash.	Pittman	Walsh, Mont.
Ferris	Kendrick	Ransdell	Warren
Fess	Keyes	Reed, Mo.	
Fletcher	King	Robinson, Ark.	

NOT VOTING—16

Bingham	Gillett	Means	Smoot
Couzens	Greene	Pepper	Underwood
Dale	Howell	Simmons	Weller
du Pont	Jones, N. Mex.	Smith	Wheeler

So the Senate refused to adjourn.

Mr. REED of Pennsylvania. Mr. President, I am about to offer an amendment which I think will bring the Senate to a decision of that essential question whether they want this to be a complete investigation of the suppression of votes throughout the United States or whether they want to limit it to a few Republican States in the North.

Mr. MOSES. Mr. President——

Mr. REED of Pennsylvania. I yield for a question.

Mr. MOSES. Will the Senator read his amendment before he offers it, so we may not be taken by surprise by the motion which his cousin from Missouri is about to enter to lay on the table?

Mr. REED of Pennsylvania. I am very glad to do that. My intention, in good season, unless I should change my mind in the meantime, is to offer an amendment which will read as follows:

On page 2, line 4, after the figures "1926," or if the four lines on page 2 have been stricken out of the substitute, then, at the end of the resolution——

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Chair desires to call the attention of the Senator from Pennsylvania to the fact that the resolution at the desk is in typewritten form, so it is not possible to follow the Senator's suggestion.

Mr. REED of Pennsylvania. I now find that the modified resolution has been printed, and I am about to offer my amendment to that. On page 2, line 4, it is my expectation presently to offer an amendment reading as follows:

And the said committee——

Mr. REED of Missouri. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. REED of Missouri. The Senator from Pennsylvania has spoken twice upon the bill. He has not offered an amendment. He is now talking, if at all, upon the bill, and is, therefore, out of order.

The PRESIDING OFFICER. The Chair would feel inclined to overrule the point of order, as he understands the Senator from Pennsylvania is now offering an amendment.

Mr. REED of Missouri. But he is not offering it. It must be offered and read to the Senate, and not a speech made while he holds the paper in his hands. If he is speaking to the Senate, he must be speaking upon the question which is before the Senate, which is the resolution in hand. The Senator can not stand with a paper in his hand and say he is going to offer something which he has not offered, and speak on that when his time is exhausted, because that which he says he will offer is not yet before the Senate.

Mr. MOSES. If the Senator intends to conclude his statement by offering an amendment, he is clearly in order.

Mr. REED of Missouri. Oh, no. What is he talking on?

The PRESIDING OFFICER. The Chair thinks the Senator is entitled to some latitude in offering his amendment. He hopes, however, that the Senator from Pennsylvania will not abuse that privilege. He is recognized to offer an amendment.

Mr. REED of Pennsylvania. May I be heard on the point of order before the Chair rules?

The PRESIDING OFFICER. The Chair has overruled the point of order. The Senator will offer his amendment.

Mr. REED of Pennsylvania. I would simply like to call the attention of the Chair to the fact that I have spoken twice on my substitute resolution which has been laid upon the table. I have not spoken at all upon the resolution of the Senator from Missouri.

Mr. REED of Missouri. The Senator is speaking on it now under the rule, and the time must be counted against him.

Mr. CAMERON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arizona?

Mr. REED of Pennsylvania. I yield the floor.

Mr. REED of Missouri. Mr. President, the Senator can not yield the floor to another Senator. I demand recognition.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. REED of Missouri. Has the Senator from Pennsylvania offered his amendment?

Mr. REED of Pennsylvania. I have not yet offered the amendment.

Mr. REED of Missouri. Then I do not care to hold the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. LENROOT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LENROOT. I would like to inquire whether the Senator from Missouri has just used one of his rights in addressing the Chair?

The PRESIDING OFFICER. The Chair would not hold to that technical construction.

[CONTINUED ON PAGE 5464]

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 2, 1927*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, our hearts are filled with gratitude because the mercies of earth have their seat in the bosom of God and their voices make up the sweet harmonies of the world. Far out beyond our dreaming, Thy love extends and Thy bounty reaches. So we are not cast down, for Thou art our strength, the rock of our salvation, and our high tower. We most humbly ask Thee to bring sight out of blindness and purity out of

stain. Through endurance let our hearts grow great and our lives life-giving. We praise Thee that behind every judgment beats the heart of infinite tenderness, and we thank Thee for a happiness so rich that it links this gray old earth to the eternal heaven of God. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments House bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

H. R. 1691. An act for the relief of Henry F. Downing;

H. R. 6246. An act to establish a national military park at the battle field of Stones River, Tenn.;

H. R. 12563. An act for the relief of Walter B. Avery and Fred S. Gichner;

H. R. 13450. An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes;

H. R. 15668. An act authorizing negotiations for the acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 16389. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, etc.; and

H. J. Res. 272. Joint resolution providing for the return of funds belonging to World War National Guard organizations that are not reconstituted.

The message also announced that the Senate had passed without amendment House bills and joint resolutions of the following titles:

H. R. 531. An act for the relief of John A. Bingham;

H. R. 724. An act for the relief of Capt. Norman D. Cota;

H. R. 780. An act for the relief of J. S. Corbett;

H. R. 1133. An act for the relief of John G. Pauley;

H. R. 1595. An act for the relief of Fannie Kravitz;

H. R. 1690. An act for the relief of Thomas P. McSherry;

H. R. 1840. An act for the relief of Edward A. Grimes;

H. R. 2329. An act for the relief of John A. Olsen;

H. R. 2589. An act for the relief of Archie O. Sprague;

H. R. 2718. An act for the relief of M. F. Snider;

H. R. 2722. An act to reimburse James J. Burns, jr., for damages to touring car by Government-owned motor truck;

H. R. 2849. An act for the relief of the heirs of Russell J. Norton;

H. R. 3253. An act for the relief of Lieut. Commander Garnet Hulings, United States Navy;

H. R. 3295. An act for the relief of Sherman P. Browning;

H. R. 4258. An act to credit the accounts of James Hawkins, special disbursing agent, Department of Labor;

H. R. 4361. An act for the relief of the McHan Undertaking Co.;

H. R. 5069. An act for the relief of Alice Barnes;

H. R. 5089. An act for the relief of Christine Mygatt;

H. R. 5275. An act for the relief of Theodore W. Goldin;

H. R. 5787. An act for the relief of J. C. Herbert;

H. R. 5930. An act for the relief of William J. Donaldson;

H. R. 6057. An act for the relief of George Boiko & Co. (Inc.);

H. R. 6097. An act to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes;

H. R. 6143. An act to correct the military record of William J. Bodiford;

H. R. 6422. An act to correct the military record of George W. Kelly;

H. R. 6584. An act for the relief of Charles O. Schmidt;

H. R. 6588. An act for the relief of Franklin Mott Gunther;

H. R. 6847. An act to correct the military record of Thornton Jackson;

H. R. 7081. An act to authorize reimbursement of the government of the Philippine Islands for maintaining alien crews prior to April 6, 1917;

H. R. 7703. An act for the relief of James F. McCarthy;

H. R. 8278. An act for the relief of A. B. Cameron;

H. R. 8477. An act for the relief of Frank J. Dwyer;

H. R. 8739. An act for the relief of Lim Toy, of the city of Boston, Mass.;

H. R. 8932. An act for the relief of William F. Redding;

H. R. 9063. An act for the relief of Marie Yvonne Gueguinou;

H. R. 9150. An act for the relief of the Niagara Machine & Tool Works;

H. R. 9173. An act providing for the revision and printing of the index to the Federal Statutes;

H. R. 9211. An act to prescribe certain of the qualifications of voters in the Territory of Alaska, and for other purposes;

H. R. 9427. An act for the relief of Gilbert B. Perkins;

H. R. 9640. An act to add certain lands to the Shoshone National Forest, Wyo.;

H. R. 9804. An act for the relief of the Pacific Steamship Co., of Seattle, Wash.;

H. R. 10035. An act for the relief of Albert H. Hosley;

H. R. 10422. An act for the relief of William J. O'Brien;

H. R. 10456. An act for the payment of claims for pay, personal injuries, loss of property, and other purposes incident to the operation of the Army;

H. R. 10467. An act authorizing the city of Boulder, Colo., to purchase certain public lands;

H. R. 10496. An act for the relief of John A. Thornton;

H. R. 10612. An act to withdraw certain public lands from settlement and entry;

H. R. 10976. An act to amend the act entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," approved May 30, 1908, as amended, and for other purposes;

H. R. 11396. An act for the relief of Lawrence F. Nelson;

H. R. 11487. An act granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes;

H. R. 11929. An act authorizing the Secretary of the Interior to sell to Leroy Stafford certain lands situate in Rapides Parish, La.;

H. R. 11852. An act for the relief of M. Tillery and Mrs. V. D. Tillery;

H. R. 12334. An act for the relief of W. Randall Spurlock;

H. R. 12388. An act for the relief of K. I. Ward;

H. R. 12404. An act for the relief of Shadyside Bank;

H. R. 12623. An act for the relief of the owner of the steamer *Squantum;*

H. R. 12625. An act for the relief of the owner of scow *65H;*

H. R. 13050. An act releasing and granting to the State of Utah and the University of Utah any and all reversionary rights of the United States in and to the grounds now occupied as a campus by the University of Utah;

H. R. 13143. An act for the relief of the Charlotte Chamber of Commerce and Capt. Charles G. Dobbins, Army disbursing officer;

H. R. 13212. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;

H. R. 13477. An act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, and for other purposes;

H. R. 14071. An act for the relief of Garfield Hankins;

H. R. 14718. An act for the promotion and retirement of William H. Santelmann, leader of the United States Marine Band;

H. R. 15181. An act for the relief of S. K. Truby;

H. R. 15252. An act to provide relief for certain natives of Borongan, Samar, Philippine Islands, for rental of houses occupied by the United States Army during the years 1900 to 1903;

H. R. 15253. An act for the relief of certain officers and former officers of the Army of the United States;

H. R. 15305. An act for the relief of Ben Wagner;

H. R. 15541. An act to authorize the exchange of certain land between the United States and the District of Columbia;

H. R. 15624. An act for the relief of Andrew McLaughlin;

H. R. 15650. An act to amend section 10 of the act entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898 (30 Stat. L. p. 409);

H. R. 15826. An act to add certain lands to the Colville National Forest, Wash.;

H. R. 16017. An act granting public lands to the city of Golden, Colo., to secure a supply of water for municipal and domestic purposes;

H. R. 16058. An act for the relief of certain officers of the Army of the United States;

H. R. 16182. An act for the relief of William H. Lindsay;

H. R. 16207. An act to authorize an appropriation to enable the Secretary of the Interior to provide an adequate water supply for the Sequoyah Orphan Training School near Tahlequah, Cherokee County, Okla.;

H. R. 16224. An act for the relief of the DeWitt County National Bank, of Clinton, Ill.;

H. R. 16287. An act for the irrigation of additional lands within the Fort Hall Indian irrigation project in Idaho;

H. R. 16311. An act for the relief of the First National Bank, Savanna, Ill.;

H. R. 16336. An act for the relief of Robert F. Neeley and Franklin E. Neeley;

H. R. 16507. An act to authorize an increase in the limit of cost of certain naval vessels, and for other purposes;

H. R. 16551. An act to permit the granting of Federal aid in respect of certain roads and bridges;

H. R. 16744. An act to authorize a per capita payment from tribal funds to the Fort Hall Indians;

H. R. 16845. An act to amend section 1 of the act approved May 26, 1926, entitled "An act to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled 'An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes'";

H. R. 16952. An act to ratify and confirm act No. 3243 of the Philippine Legislature, approved November 27, 1925;

H. R. 16957. An act granting patent to C. E. Moore;

H. R. 16973. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes;

H. R. 17063. An act for the relief of C. G. Duganne and A. N. Ross;

H. R. 17108. An act giving jurisdiction to the Court of Claims to hear and determine the claim of the Butler Lumber Co. (Inc.);

H. R. 17111. An act to authorize an appropriation to rehabilitate the Picatinny Arsenal in New Jersey;

H. R. 17138. An act authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the South Carolina Agricultural Experiment Station;

H. R. 17230. An act for the relief of Olof Nelson;

H. J. Res. 243. Joint resolution for the relief of special disbursing agents of the Alaskan Engineering Commission or of the Alaska Railroad;

H. J. Res. 324. Joint resolution authorizing the use of a portion of that part of the United States National Cemetery Reservation at Chattanooga, Tenn., lying outside the cemetery wall, for a city pound, animal shelter, and hospital;

H. J. Res. 330. Joint resolution to provide for the expenses of delegates of the United States to the Eighth Pan American Sanitary Conference to be held at Lima, Peru;

H. J. Res. 351. Joint resolution to provide for the expenses of the participation of the United States in the work of the economic conference to be held at Geneva, Switzerland;

H. J. Res. 352. Joint resolution to provide for the expenses of the participation of the United States in the work of a preparatory commission to consider questions of reduction and limitation of armaments; and

H. J. Res. 363. Joint resolution amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924.

The message also announced that the Senate had passed Senate bills of the following titles in which the concurrence of the House is requested.

S. 4840. An act to provide for the appointment of an additional judge of the District Court of the United States for the Northern District of New York;

S. 5385. An act authorizing the Secretary of the Interior to issue patent to the county of Del Norte, State of California, to Whaler Island in Crescent City Bay, Del Norte County, Calif., for purposes of a public wharf;

S. 5692. An act granting permission for the laying of pipes for the transmission of steam along the alley between lots Nos. 5 and 32 in square numbered 225;

S. 3725. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 3882. An act for the relief of Bert Moore;

S. 4383. An act for the relief of certain claimants for interest arising from delay in the payment of drafts and cable transfers of the American Embassy at Constantinople between December 23, 1915, and April 21, 1917;

S. 4651. An act relating to the Office of Public Buildings and Public Parks of the National Capital.

S. 4754. An act to allow credits in the accounts of Harry Caden, special fiscal agent, Bureau of Reclamation, Department of the Interior;

S. 4825. An act authorizing the payment of certain sums to Roosevelt County, Mont.;

S. 4830. An act for the relief of M. Zingarell and wife, Mary Alice Zingarell;

S. 4905. An act relating to appropriations made for the construction of new McKinley High School;

S. 4977. An act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of Vancouver Barracks Military Reservation, in the State of Washington;

S. 4998. An act to provide a water system for the Indians of the Reno-Sparks Indian Colony, Nevada;

S. 5232. An act for the relief of Sadie Klauber;

S. 5314. An act amending the act of February 28, 1925, reclassifying the salaries of postmasters;

S. 5546. An act to amend section 10 of the plant quarantine act, approved August 20, 1912;

S. 5552. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street;

S. 5708. An act authorizing the use of land owned by the United States in the District of Columbia for highway purposes;

S. 5709. An act to amend the act approved June 7, 1924, relating to the regulation of the practice of dentistry in the District of Columbia;

S. 5732. An act to amend an act entitled "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes";

S. 5757. An act authorizing the Secretary of War to grant permission to the Port of Portland Commission to close the east channel of Swan Island, Oreg.;

S. 5766. An act to amend the act of February 9, 1907, entitled "An act to define the term of 'registered nurse' and to provide for the registration of nurses in the District of Columbia"; and

S. 4239. An act for the relief of homestead settlers on the drained Mud Lake bottom in the State of Minnesota.

MANUAL OF RULES OF THE HOUSE OF REPRESENTATIVES

Mr. BEERS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk, from the Committee on Printing.

The Clerk read as follows:

House Resolution 449

Resolved, That the Constitution, Manual, Rules, and Practices of the House of Representatives for the Seventieth Congress be printed as a House document, and that 2,500 copies be printed and bound for the use of the House of Representatives.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, will the gentleman yield?

Mr. BEERS. Yes.

Mr. LAGUARDIA. I understand that this is simply preparing the manual to be printed, and that in the event there is any change in the rules, those changes will be incorporated.

Mr. BEERS. That is correct.

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, how will those 2,500 copies be distributed?

Mr. BEERS. Through the folding room.

Mr. KINCHELOE. And each Member will have his allotted number?

Mr. BEERS. Yes.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

PRAYERS OF THE CHAPLAIN

Mr. BEERS. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 430, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 430

Resolved, That the prayers offered by the Rev. James Shera Montgomery, Chaplain of the House of Representatives, at the opening of the daily sessions of the House during the Sixty-eighth and Sixty-ninth Congresses be printed as a House document.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, how are these to be distributed? They ought to go through the folding room. I move to amend by adding the words "to be distributed through the folding room."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The resolution as amended was agreed to.

BIOGRAPHICAL DIRECTORY OF CONGRESS

Mr. KIESS. Mr. Speaker, I call up from the Joint Committee on Printing House Concurrent Resolution 53, which I send to the desk and ask to have read.

The Clerk read as follows:

House Concurrent Resolution 53

Resolved by the House of Representatives (the Senate concurring), That House Concurrent Resolution 43, adopted on February 6, 1925, providing for the printing of a revised edition of the Biographical Congressional Directory up to and including the Sixty-eighth Congress, be, and is hereby, rescinded, and that in lieu thereof there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, a revised edition of the Biographical Directory of the American Congress up to and including the Sixty-ninth Congress (1774–1927); and that 6,500 additional copies shall be printed, of which 4,400 copies shall be for the use of the House of Representatives, 1,600 copies for the use of the Senate, and 500 copies for the use of the Joint Committee on Printing.

Mr. BLANTON. The same amendment ought to go onto that resolution, to have them distributed through the folding room.

Mr. KIESS. They are distributed through the folding room when no other provision is made.

Mr. BLANTON. Then it is understood that it is to be distributed through the folding room?

Mr. KIESS. Absolutely, 10 copies to each Member.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDRESS OF THE PRESIDENT ON THE TWO HUNDREDTH ANNIVERSARY OF GEORGE WASHINGTON'S BIRTHDAY

Mr. KIESS. Mr. Speaker, I call up from the Speaker's table Senate Concurrent Resolution 28, and ask for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate Concurrent Resolution 28

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, 75,000 copies of the address delivered to the American people in the House of Representatives on February 22, 1927, on the subject of the proposed celebration of the two hundreth anniversary of the birth of George Washington, including all the proceedings and the program of exercises, of which 8,000 copies shall be for the use of the Senate, 17,000 copies for the use of the House of Representatives, and 50,000 copies for the use of the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, established by the joint resolution of Congress, approved December 2, 1924.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

RICHINGS J. SHAND

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of S. 5548, to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of S. 5548, which the Clerk will report.

The Clerk read the Senate bill.

Mr. BLANTON. Mr. Speaker, reserving the right to object, how much does this involve?

Mr. MADDEN. Seven thousand dollars.

Mr. BLANTON. The gentleman has investigated this matter himself?

Mr. MADDEN. Yes; and the language contained in the bill was worked out by the Comptroller General himself.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A "WET" COMPLEX

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a brief editorial from the Washington Evening Star.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Under leave given me to extend my remarks for that purpose I present herewith an editorial from The Evening Star of Washington, which has special interest because of position of the Evening Star as one of the greatest dailies in the United States and because it is an expression from an experienced and unprejudiced observer:

Dr. Nicholas Murray Butler, president of Columbia University, continues his agitation for the nomination of a "wet" Republican for President in 1928. Doctor Butler has returned to New York from the Middle West, convinced, he says, that the people of that section are "interested" in the candidacy of Gov. Al Smith for the Democratic nomination. In fact, he sees Governor Smith not as the strongest candidate for the Democratic nomination but pretty nearly the only candidate.

The distinguished president of Columbia University appears to be suffering from an antiprohibition complex. Everywhere he sees the "wet" tide rising. His recent visit took him into Ohio, Illinois, Wisconsin, and Minnesota. Wet sentiment in Chicago and in parts of Wisconsin is not exactly a new find. But if he found a wet tide in Ohio and Minnesota, Doctor Butler is entitled to credit for a new discovery. The Buckeye State is represented here by two very dry Senators, one of whom was only a few months ago elected by a considerable majority over a wet Democrat, and by a delegation in the House that is largely dry. It has elected Gov. A. Vic Donahey, a dry Democrat, for the third time. Minnesota has a few wet centers, but by and large the State has been dry.

It is not unnatural that the people of the Middle West should be "interested" in the candidacy of Gov. Al Smith. He has been for months an outstanding figure in the Democratic Party. His achievements in New York politics and administration have been widely published. But to be "interested" in Governor Smith is one thing. To be ready to vote for him is another.

Why is Doctor Butler so "interested" himself in the candidacy of Governor Smith for the presidential nomination? Is this staunch Republican ready to support a Democratic wet against a Republican dry? Or is he merely trying to frighten the Republican Party into nominating a wet by holding up Al Smith as a bogey? Probably the latter. A little mathematics should convince the doctor that if the Republicans should nominate a wet against Al Smith in the presidential race next year the governor's chances would be greatly enhanced. Doctor Butler has said that as New York goes, so will go the election. He has just had a demonstration of what happens in the Empire State when the Republicans nominate a wet against a wet Democrat. Senator WADSWORTH went down to serious defeat before Senator-elect WAGNER, a Democrat. It would be idle to say there are no wet Republicans, or even to say there is not a large number of wet Republicans. But the overwhelming majority of the party, take it the country over, so far remains dry.

Doctor Butler is the first Republican of prominence who in recent months has raised the "third-term" issue in connection with the possibility of the nomination of President Coolidge to succeed himself. It is not noticeable that his incursion in the subject has aroused a great deal of public interest. Rather, it has been an academic interest. Doctor Butler was charged at the time with seeking the Republican nomination himself as a leading wet. But this he has denied. Perhaps it would be wise for Doctor Butler to name an outstanding Republican wet to whom the nomination should go in 1928. Or perhaps Doctor Butler is merely an opportunist.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16389) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill H. R. 16389, with Senate amendments thereto. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

SENDING TO COURT OF CLAIMS CERTAIN INDIAN CLAIMS

Mr. HALL of North Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2202) to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes, with an amendment thereto, which I send to the desk.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, is this a Senate bill that has not been considered by the House?

The SPEAKER. The Chair understands that this is a Senate bill that has been considered by the House committee. The Chair suggests that the Clerk read the amendment, omitting the matter stricken out.

Mr. GARNER of Texas. But this is a bill to which the House has never given any consideration.

The SPEAKER. It has been considered by the committee. The Clerk will report the amendment.

The Clerk read as follows:

Be it enacted, etc., That the plaintiffs or complainants in suit No. 33731 in the Court of Claims of the United States be, and they are hereby, granted the regular statutory period of time within which to appeal from any or all orders, judgments, or decrees rendered against them in the trial of said action heretofore had: *Provided*, That the time within which said appeal may be taken shall begin to run with the date of the approval of this act.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from North Dakota to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: Page 5, line 1, of House print to S. 2202, strike out "the regular statutory period of time" and insert "one year."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from North Dakota [Mr. HALL] to the committee amendment.

The amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

PENSIONS

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13450, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 13450, and concur in the Senate amendment. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13450) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. BEGG. What does this do?

Mr. ELLIOTT. It amends the bill so that it will not apply to anybody until they have attained the age of 75 years.

Mr. LAGUARDIA. In other words, it takes about 50 per cent of the beneficiaries out of the bill?

Mr. ELLIOTT. Yes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

AMENDMENT OF THE FEDERAL HIGHWAY ACT

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4530, consider it, and pass the bill.

The SPEAKER. The gentleman from Utah asks unanimous consent to take from the Speaker's table the bill S. 4530 and consider the same. The Clerk will report the bill by title:

The Clerk read as follows:

A bill (S. 4530) amending sections 11 and 21 of the Federal highway act, approved November 9, 1921, amending paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," prescribing limitations on the payment of Federal funds in the construction of highways, and for other purposes.

The SPEAKER. Is there objection?

Mr. EDWARDS. Reserving the right to object, Mr. Speaker, has this been considered by the gentleman's committee?

Mr. COLTON. It has been considered, and hearings have been held on it. It comes over from the Senate, and a majority of the Committee on Roads have authorized me to call it up.

Mr. EDWARDS. I do not think those matters ought to come up here without being reported by the committee. I am going to object.

Mr. ALMON. It fixes the rates on certain Western States, and on no other States. It has been carefully considered by the Committee on Roads.

Mr. EDWARDS. Why was it not reported out?

Mr. ALMON. I was a member of the subcommittee, and we made a unanimous report.

Mr. EDWARDS. How about the main or full committee?

Mr. ALMON. It was not objected to. There was not time enough to call a meeting. I have never heard of an objection.

Mr. EDWARDS. I object.

The SPEAKER. Objection is heard.

M'NARY-HAUGEN BILL

Mr. POU. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the McNary-Haugen bill and include a statement made by one of my colleagues from North Carolina.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. POU. Mr. Speaker, I have never felt it was improper in discussing a rule, which provides for the consideration of a great measure like this, to submit observations which in a general way affect the merits of the proposed legislation. I have never been much of a stickler in the observance of technicalities, anyway. I shall, therefore, submit for the consideration of the House some of the objections which to my mind make the so-called Haugen bill an impossible piece of legislation. [Applause.]

It is said that an ancient barbarian despot ordered lashes and fetters for the Hellespont. Equally vain, equally futile, is any attempt by legislation to fix prices of any agricultural commodity in violation of the world-wide operation of economic law. [Applause.]

Mr. Speaker, I returned to this session of Congress in the hope that I could vote for some farm-relief legislation. Three great measures intended to help agriculture are receiving the attention of the Nation's legislators. I refer to the Aswell bill, the Crisp-Curtis bill, and the Haugen bill. I have read all three of these measures very carefully. I regret exceedingly that the bill which bristles with the most fatal objections is the bill which appears to have the largest support and is the only bill which comes here with a favorable report from the Committee on Agriculture.

I am going to say at the outset that I am firm in the belief that if the Haugen bill becomes a law the condition of the people I have the honor to represent will not only not be helped but may be positively injured.

I shall discuss a few of the provisions of this bill about which there appears to be little or no controversy. In the first place, it is a price-fixing measure; and that is not all; the fixing of the price, in effect, is left to a board of 13 men without any guaranty whatsoever that the price put in operation by the board will be a profitable price to cotton farmers throughout the entire cotton-producing section of the Nation.

Now, let us examine the effect of the proposed bill. Let us suppose that the Federal farm board is created. The President appoints one man from each of the 12 land-bank districts, the Secretary of Agriculture being ex officio a member of this board. The board decides that conditions are such that they will receive for his cotton and cottonseed as well is undoubt- maximum price in accordance with the provisions of the bill.

As long as this operation continues the price which the farmer will receive for his cotton and cottonseed as well is undoubtedly fixed by the action of this board. I think nobody will deny this statement. Now, let us discuss for a moment the effect of the action of the board. Let me ask what guaranty has the cotton farmer in my State, for instance, that the price fixed by the board will be a remunerative price? Absolutely none. Indeed, the price fixed by the Federal farm board might be a price which would guarantee a profit to a cotton farmer in the State of Texas, or Mississippi, or Louisiana, while it would inflict a loss which would put the cotton farmer of North Carolina out of business. Now, why do I say this? I stated to a gentleman, a supporter of this bill, the other day, that in my opinion the cost of producing a pound of cotton in North Carolina was not less than 15 cents. It is, as a matter of fact, I believe, more than 15 cents, but I wanted to be conservative. The gentleman to whom I made this statement was so disgusted that I would not care to put his reply in print. I will say that a part of his reply was that I must take him to be a fool if I thought he would believe any such statement. The cotton farmer who does me the honor to read this speech can decide for himself whether I put the cost of producing a pound of cotton in North Carolina—that is to say, 15 cents—too high or too low.

My belief is that the average cost of producing cotton in North Carolina since the World War is 17 cents per pound. Now take the State of Texas with its millions of acres of fertile land, which need no commercial fertilizer to stimulate the growth of the cotton plant. It seems to be generally conceded that under favorable conditions cotton can be produced in the fertile lands of Texas and Mississippi and other parts of the South at 9 cents per pound. Now, there is no guaranty whatsoever that the Federal farm board in stabilizing the price of cotton would take the cost production price in North Carolina as a basis. Bear in mind that only three members of the Federal farm board can come from cotton-producing sections. If, under the operations of the Federal farm board the North Carolina cotton farmer is to receive a profit for the cotton he produces, the stabilized price must be above the North Carolina cost of production. If the North Carolina cost of production is 17 cents, as I think it is, and as many men who have investigated cost production think it is, then the stabilized price put in operation by the Federal farm board must be above 17 cents. There is absolutely no guaranty of any kind in any line in the bill from beginning to end that this would be done. If the board should decide to put in operation a stabilized price under 17 cents, then the North Carolina farmer would be put out of business by the operation of the very board created for the purpose of helping the cotton industry.

In the Haugen bill, which was defeated in the last session of Congress, there was a guaranty of a remunerative price to the grain producers of the Nation because the bill provided in terms that the stabilized price should be the world price of grain, plus transportation charges and so forth, plus tariff rates. This also applied to cotton, but as there is no tariff on the bulk of the cotton produced in the cotton section it could be readily seen that there was no guaranty that the cotton farmers of the Nation would receive a profit even if the stabilized price were put in operation. To my mind the bill we are now considering is even worse than the bill which was defeated in the last Congress. Let every farmer, who does me the honor to read these remarks, keep constantly in mind that if this bill passes, he commits his destiny to the Federal farm board, composed of 13 members, and that there will never be a time when more than three members of the board can come from the cotton-producing sections. I wonder if the cotton farmers of the South are willing to take this risk. I wonder if, in the spring when he begins to break his soil, in the summer when he is toiling under the broiling sun, he must have the consciousness every minute of the time that the price of his product is to be fixed by 13 men sitting in Washington who can kill or make alive.

I have heard it suggested that the effect of the action taken by the Federal farm board might be to restrict the production of cotton to those States particularly adapted by nature to the raising of cotton. The suggestion has been made that the operation of the board might tend to restrict acreage. If the board should decide to stabilize the price of cotton at a point between the cost of production in North Carolina and the cost of production in Texas, the inevitable result would be that nobody could profitably raise cotton in North Carolina. It can also be readily seen that a profit of 2 cents per pound to the North Carolina farmer would be a profit of about 11 cents per pound to the cotton farmer of Texas. I believe the cotton farmers of North Carolina prefer to take their chances upon a market which is governed by the world-wide law of supply and demand rather than submit the fate of their industry to 13 men appointed by the President of the United States.

Now let us consider another serious objection to this bill. Before any farmer can have any say-so in making nominations for appointment by the President of the members of the Federal farm board he must join some cooperative association already in existence or to be hereafter formed if this bill becomes a law. The bill contemplates that the farmer must join some farm organization which conforms to the provisions of the proposed legislation. It is said that about 8 per cent of the cotton farmers of the Nation belong to cooperative farm associations at this time. Therefore in order to participate in nominations for members of the Federal farm board 92 per cent of the cotton farmers of the Nation must hereafter join some cotton cooperative association or else have no participation whatsoever in creating the board. Now, whether these men wish to join or not I will not undertake to say; I do say that no legislation should be passed by Congress which in effect requires them to join any organization of any kind. We already have too many laws affecting the liberty of the citizens. It may be we have already passed the danger point. Certainly we should not pass any law which has for its very purpose the forcing of the cotton farmer to do something he may not voluntarily wish to do. But this is not the worst feature of the bill. A still worse feature is yet to be considered. Not only does the bill contemplate that the cotton producers of the Nation must join some cooperative association; it gives to the 13 men constituting the Federal farm board in the city of Washington the right to impose a tax, called an equalization fee, the amount of which is not limited, and this tax must be paid on every bale of cotton produced in the Nation, either at the gin or by the railroad company or by the factory.

It is a tax upon the product of every cotton farmer in the Nation. What will be the amount of this equalization fee? It may be $2, it may be $5. It can be fixed at $20 per bale. I have heard the suggestion repeatedly made that the equalization fee might be as large as $10 per bale. Let it be remembered that there will be no escape from the payment of this equalization fee unless the collection of the fee is declared unconstitutional by the Supreme Court of the United States. I think the fee is unconstitutional. I do not believe Congress has any such power, but I am unwilling to take the risk. I believe the cotton farmers of the district I have the honor to represent are unwilling to take the risk. Already they are burdened with taxes. How, in Heaven's name, do you expect to bring prosperity to any man by putting additional taxes upon him? You might as well expect a man to lift himself from this floor by pulling at his boot straps as to expect to bring prosperity to the cotton farmers of the South by putting an additional tax upon the products of the farm. [Applause.]

Let there be no mistake about this provision in the bill. I say in the case of cotton, under the language of the bill, every pound of the cotton harvested will be subject to a fee, and I further charge that the amount of the equalization fee is subject to the action of the Federal farm board of 13 members seated in the city of Washington, of whom only three can come from the cotton-producing sections of the Nation.

Never in the history of this Nation has any law been passed which confers upon any body of men the power which will be exercised by the proposed Federal farm board. If Congress has ever conferred upon any governmental body as many and as great uncontrolled powers as are conferred by House bill 15474, known as the Haugen bill, now being considered by this House, nobody has ever yet been able to find the precedent.

Mr. Speaker, I have made some observations with respect to certain major objections of this bill. The bill is faulty in many respects which limited time forbids that I discuss at all. I will venture to suggest that the passage of the bill will require a great army of Federal officials, all of whom must be paid. What the number of this official army would be it is difficult to predict at this time. Suffice it to say that thousands will be needed and that the Federal farm board would have a representative in every community, certainly at every gin selected by the Federal farm board, to receive cotton in the seed. Whether the Federal farm board would select more than one gin in any community is a question no one can decide in advance, of course. But let it not be forgotten that the Federal farm board, if this bill passes, will have absolute authority to select one ginnery in each community, and that the cotton farmers of that community could not as a practical proposition have their cotton ginned at any ginnery which had not been selected by the Federal farm board. This board, sitting in Washington, could bring prosperity to one gin plant in a community, while it could put out of business every other gin plant

in such community. If it selected all of the gin plants in any particular county, then it must have a representative at each and every gin plant. I say such power should not be given to any set of men. It is a power to kill or make alive. The same power applies to the common carrier. The Federal farm board can give preference to one common carrier to the great damage of another common carrier.

I can not believe that certain people who have asked me to support this bill have fully considered its provisions. I can not believe that certain gentlemen who are asking me to support this bill realize that it bristles with so many fatal objections. The good God in heaven knows my heart. He knows my intentions. He knows that I want to help the toilers of America. I know the hardships of the farm. I have toiled many a day from sunrise to sunset during my boyhood. If there is any work on the farm I have not done, I do not know what it is. I know perfectly well that the hardest dollar any man ever earned is the dollar he digs out of the ground. I deny that any living man has the interest of the farmer more sincerely at heart than I have. If I thought this bill would bring to the farmers of America any reasonable degree of prosperity, I believe I would vote for it. The bill is not in harmony with the principles I have cherished for a lifetime, but I believe I would cast consistency to the winds and vote for the bill if I thought it was workable and if I thought it would bring any degree of prosperity, but I believe the contrary is true. I believe the bill might spell disaster rather than prosperity to the farmers of my State. [Applause.]

Even if I had the power to do so, I would not put any obstacle whatsoever in the way of the consideration of farm-relief legislation by this Congress. While I can not divest myself of serious doubts as to the wisdom of this legislation, I speak the truth when I say that I hope these doubts are without any basis whatever. I hope I am mistaken in my views with respect to this legislation. My course from the beginning has been to place no obstacle whatsoever in the way of this bill. I realize, I hope, as fully as any man living the depressed condition of agriculture not only in the Northwest but in the South as well.

Mr. Speaker, I can not help the fears I entertain as to the effect of this legislation, particularly upon the cotton farmers of my own State. Cotton is raised in North Carolina at great expense. The land is not by nature sufficiently fertile to justify the raising of cotton without the application of plant stimulants. There are many farmers in North Carolina who each year buy for each acre of cotton planted commercial fertilizer which costs as much per acre as these farmers received for a bale of cotton in 1894. Just what the effect of this legislation is going to be upon the cotton farmer of North Carolina, whose cotton costs him not less than 15 cents per pound, as compared with the effect upon the cotton farmer of States very much farther South, where lands are fertile by nature, where commercial fertilizer is not necessary, and wherein the cotton farmer can produce the staple for 9 cents per pound, no man can predict with safety.

In discussing this danger with a gentleman some days ago I was confronted with the suggestion that if the cost production price of a pound of cotton in North Carolina was 15 cents as against the cost production price in States very much farther south of not more than 9 cents per pound, then the logic of the situation would require the North Carolina cotton farmer to abandon the cotton-raising industry entirely. Herein to my mind lies a danger which has not been fully considered by gentlemen in my State who are insisting upon the enactment of this legislation. One thing is certain if this bill becomes a law and the Federal farm board goes upon the market through its agencies, and purchases cotton at a price based upon the average cost price of cotton throughout the cotton section, such price probably will not yield any profit whatsoever to the farmers of North Carolina and sister States where vast sums are expended for commercial fertilizer. The result may be disastrous. If the Federal farm board were in existence and empowered by law to operate right now, I do not believe the board would stabilize the price of cotton above present market quotations, but the cotton farmer would nevertheless be forced to pay such tax or fee as might be levied by said board.

There is also one feature of the Senate bill concerning which I will make this observation: It really looks as if an effort has been made to obscure the payment of the equalization fee by the verbiage of the bill. Nevertheless, there is no escape from the conclusion that, if the bill becomes a law, every bale of cotton produced in the Nation will be subject to a tax, called in the bill an equalization fee, which must be paid in the end by the farmer, whether the fee is collected at the gin or from the railroad or from the cotton factory. Likewise, there is no escape from the conclusion that the amount of this equalization fee is to be fixed by the 13 members of the Federal farm board, sitting in the city of Washington.

Of course, I cherish a particular interest in the effect of this legislation on the cotton farmers of this Nation. The district I represent is largely a cotton-producing district. The county in which I live produces annually about 72,000 bales of cotton. I can not help considering the effect of the bill upon the cotton producers of my State, my district, and my home county. Johnston County is a large, progressive, splendid county, but the cost of producing the fleecy white staple is necessarily high.

If this bill becomes a law, conditions will surely arise which will invite, which will force action by the Federal farm board. When this board decides to stabilize the price of cotton, what will be the basis of the price offered by the board through its agents? Let us suppose the Federal farm board is in existence now and ready to function. What would be the price offered for cotton? By what process would the board decide upon a price to be offered? What would be the basis upon which the price offered would rest? Would that basis be the production cost of cotton in North Carolina or the average production cost throughout the cotton-raising section of the Nation? I imagine the board would instruct its experts to investigate and report the average cost of producing cotton throughout the entire Nation; and using that as a basis, I imagine the board would add a reasonable profit. But there is no yardstick in the bill to measure and fix profits as there was in the bill considered in the last Congress whereby the price offered for grain and cotton was to be established. I say there is in no line of the bill any guaranty whatsoever that the North Carolina cotton farmer will receive any profit whatsoever under the operations contemplated by the bill. On the contrary, there is a danger, a real danger, that the price put in operation by the board might inflict loss upon the cotton farmers of my State. There is danger that the action of the board may be disastrous to the cotton farmers of my State. If the board uses the average cost-of-production price per pound of cotton throughout the Nation as the basis of action, adding to such average-cost price a fair and reasonable profit, then the cotton farmers in States like North and South Carolina, where enormous sums are expended every year for commercial fertilizer, might be injured rather than helped. In my State there are but few acres which will produce cotton without the application of expensive plant stimulants, mostly commercial fertilizers. There is no guaranty that the stabilized price put in operation by the board will yield any profit to the farmers of the States in which commercial fertilizers are necessary, but every pound of cotton produced in such States must pay the tax or equalization fee fixed by the board. There is no uncertainty about that provision of the bill. The equalization fee is the very heart of the bill, and there is no limit as to the amount of this tax. It must be paid whether the stabilized price yields a profit or inflicts a loss upon the cotton farmers of the Nation.

I very cheerfully agree, Mr. Speaker, that the time has come when the Government must pay more attention to the interest of the farmers of the Nation. Under policies pursued in the past all manner of obstacles have been placed by legislation in the pathway of agricultural prosperity. Of course, it goes without saying that prosperity in agriculture means nation-wide prosperity to all. If the McNary-Haugen bill becomes a law and brings even measurable prosperity to the farmers of the Nation, I, for one, will devoutly thank God for this result. If, however, the bill shall not become a law, let no man suppose this fight is ended. It can never be ended until the handicaps which have prevented agricultural prosperity have been removed. It may require years to accomplish this result. One thing is certain—present conditions can not continue indefinitely.

Mr. Speaker, while fears which I can not remove forbid my support of this legislation, I cherish the hope that, if this legislation fails, before the end of the next Congress some measure will be presented not out of harmony with economic law which the Congress will pass. I realize the plight of the American farmer to-day. I realize that present conditions must not be permitted to continue. Out of just such conditions revolutions have been born. I realize that there must be a change in the relations of the Government to the agricultural producers of the Nation. Just what legislative action can be properly taken is a challenge to the statesmanship of the Nation.

If the legislation we are now considering shall become operative, if the President shall see fit to sign the McNary-Haugen bill, if prosperity comes as a result of the law, no man will be happier than I, and no man will be quicker than I to say, "I am thankful that I was mistaken."

Mr. Speaker, I have consistently supported the Aswell bill and would be glad to vote for it to-day. There is no discrimina-

tion in the Aswell bill, as I understand it, against the farmers of my State. I might even go further and support the Crisp-Curtis bill, in which I see no discrimination. Just why the McNary-Haugen bill has been selected as the one measure to aid agriculture, I for one have never been able to understand. If the McNary-Haugen bill shall not become a law, I for one hope the President will immediately reconvene Congress in extra session for the sole purpose of considering legislation helpful to the agriculture of America. If the President will do this, in my humble judgment, the agricultural toilers of America will rise up and call him blessed. [Applause.]

Mr. Speaker, all sorts of arguments have been presented to bring about the passage of this bill. The suggestion has been made that we pass the McNary-Haugen bill in order to embarrass the President. "Leave this infant," it is suggested, "on the doorstep of the President of the United States, and see what he will do with it." Few there are who believe that the President will sign the bill, but certain supporters of the measure say, "Put the legislation up to the President; pass the buck to the President. If it shall embarrass the President we do not care." I utterly disagree with Mr. Coolidge in politics. He is a Republican; I am a Democrat. I believe Republican policies are responsible for the unfortunate plight of the farmer in America to-day. So long as the Republican party administers the affairs of this Government, so long as the past policies of that party shall prevail, the American farmer will be in the position of a man swimming up-stream. Upon a great question like this, a great nonpartisan question, I would despise myself if I voted contrary to my convictions to embarrass a Republican President.

Mr. Speaker, few there are who expect the McNary-Haugen bill to become a law. Every utterance of the President with respect to legislation of this character indicates a probable veto, and yet there are those in this Chamber who would mark for slaughter every man on either side of the aisle who votes against the measure. We are told that this is the one measure by which we are to be judged. From the three great measures considered by the Committee on Agriculture from the beginning of this Congress, the one measure is selected which few believe the President will sign. At best, the McNary-Haugen bill is experimental legislation. There has been nothing like it in the history of the Nation; no experience in the past enables any one to predict results.

Both the Aswell bill and the Crisp-Curtis bill carry appropriations to help agriculture in the sum of $250,000,000. Neither of these measures levies any tax whatsoever. The McNary-Haugen bill levies an enormous tax. The provisions of the bill, as I have said, give to the Federal farm board power to levy a tax, unlimited in amount, upon every bale of cotton produced. Why select this particular measure? Why is it, that the Aswell bill, which levies no tax, and the Crisp-Curtis bill, which levies no tax, are considered impossible? Why not pass one or the other of these measures and see what results are? Two hundred and fifty million dollars is a great amount to take out of the Treasury of the United States. Only because of the unjust, unfair operation of laws in existence am I willing to vote for such a stupendous appropriation, and also, because I believe there is a farm problem in America to-day with which it is our duty to deal. I am willing to vote for an appropriation of $250,000,000, but I am not willing to vote for such appropriation coupled with a tax upon the farmers of America, unlimited in amount.

All three of these bills are experimental. Why select the most radical of all three measures? There is reason to believe the President would sign the Crisp-Curtis bill or the Aswell bill. Why not put up to him one or the other of these measures and see what the results are? If the results are beneficial, next winter we can pass such supplementary legislation as may be deemed advisable.

The agriculture of America is in too desperate a situation for any man to attempt to play politics with respect to legislation intended to be helpful. The number of tenant farmers in the South is increasing as the years go by. The exodus from the farm to the city continues, and yet it is suggested, forsooth that we pass a measure which few believe the President will sign, to embarrass the President.

There are two schools of thought in existence in this Nation to-day. Those who belong to one school of thought deny that any agricultural problem exists. They say, "Let the farmer take care of himself. If he can make a profit, very good; if he can not, let him quit the business."

There is also another school of thought. Those who belong to this second school of thought recognize changed conditions. They see the farmer laboring to overcome legislative handicaps. They see him struggling for his very existence. They see him buying in a protected market, while he must sell in an unprotected market. They realize that the manufacturer is protected against all foreign competition. They realize that the wage earners of America are protected against competition by immigration laws. They hold that it is the duty of the Government henceforth to exercise beneficial supervision over the American farmer. Mr. Speaker, I gladly acknowledge that I belong to this latter school of thought. Because I believe there is a farm problem which we ought to solve if we can, I am willing to go to the extent of voting an appropriation of $250,000,000. I never expected to live to see this day, but I have lived to see it, and I stand here now and declare my readiness to vote to put at least $250,000,000 behind the farmers of the Nation in their efforts to obtain fair prices.

I can only repeat that I regret that the one measure for which I can not vote has been reported by the Committee on Agriculture. Nothing but a sense of duty prompts me to take the position I am taking here to-day. We all know that a lobby is behind the McNary-Haugen bill. So far as I know there is no lobby opposing its passage. I do not criticize the gentlemen who constitute this lobby. Some of them come from my own State. They are sincere, patriotic men. They have fought for a measure in which they believe, but they have fought in a proper way, and so far I know the gentlemen from my State have indulged in no threats. I mention the existence of this lobby to show that it would be easier to support the McNary-Haugen bill than to oppose it. I mention it as evidence of the sincerity of purpose of those who feel it their duty to oppose this legislation.

Mr. Speaker, I do not stand alone in taking the position that this bill will be injurious to the farmers of the South. My conviction that I am right is strengthened by the attitude of some of my colleagues in the House and Senate. The following Senators from the cotton-producing and tobacco section are opposing this legislation because they consider the bill impossible and dangerous. I mention the names of the following Senators: Senator BLEASE, of South Carolina; Senators GEORGE and HARRIS, of Georgia; Senators HARRISON and STEPHENS, of Mississippi, Senators HEFLIN and UNDERWOOD, of Alabama; Senator OVERMAN, from my own State; and Senator GLASS, of Virginia. Does anyone suppose these men, Senators from cotton-growing States, would oppose this legislation if they thought it would be beneficial to the cotton farmers of the South? Have they not the interest of their States at heart? I could mention many additional names of Members of the House from great cotton-growing States who utterly oppose the enactment of the McNary-Haugen bill.

Anyone can ascertain their names by referring to the RECORD. While I am voting my convictions, my belief that I am right is fortified by the support of the gentlemen above mentioned, as well as a large number of my colleagues in the House.

I shall append to these remarks a statement given by my colleague from North Carolina [Mr. DOUGHTON]. This gentleman is a farmer. He was raised on a farm. His life has largely been devoted to problems of the farm. He is opposing this measure because he considers it unsafe. Does anyone suppose for a moment he would oppose a measure beneficial to the interest of the farmers of our State? If he felt that this legislation would help solve the agricultural problem, he would be the last man to oppose it, but because he is unwilling to vote a tax, unlimited in amount, on the cotton farmers of America from a sense of duty he is opposing the enactment of this law.

In conclusion, Mr. Speaker—

First. The bill creates a board which in effect has the power to fix the price of cotton and cottonseed so long as operations under this bill continue.

Second. The purpose of the bill is to force the farmers of America to join cooperative agricultural associations. It is true the bill does not in so many words make this a requirement, but I think it can not be denied that the purpose of the bill is to force organization among the farmers whether they voluntarily desire to join farm organizations or not.

Third. It gives to the Federal farm board power to impose and collect an equalization fee, unlimited in amount, upon every bale of cotton raised in America.

Fourth. It creates a great army of Federal employees, all of whom must be paid in the end by the very industries it is sought to help.

Mr. Speaker, those who are honored with service in this body can not properly lose sight of the fact that they represent all the people of America. We represent not only the producer but the consumer as well. I have tried to point out the danger to the cotton farmer in States like North Carolina, for instance, where the cost of producing cotton is so much higher than in

States like Texas. It is entirely possible that the stabilized price of cotton fixed by the Federal farm board might mean disaster to the cotton farmers of my State, but there is an additional objection. If this bill is passed it means a higher price to every consumer of wheat or rice or swine or corn. It means a higher price for every loaf of bread consumed, for every pound of rice, and for every pound of pork.

Mr. Speaker, my service in this body has extended over a quarter of a century. When I was first elected I was a young man. To-day my eyes must be turned to the setting sun. During that quarter of a century, I call my Father in heaven to witness that there has never been one hour when I have lost sight of the interest of the toilers of this Nation. If I have ever voted against their interest, it was a mistake of the head and not of the heart. If my vote upon this measure means the end of my public service, I can only say to the splendid people who have kept me here so long that I am voting now as I have always voted, and always shall vote, in accordance with the convictions of my conscience as Almighty God has given me light to see. If I am to be punished for pursuing this course, I will have the consciousness to my dying day that I have been punished for what EDWARD W. POU believes to be right.

In conclusion, I appeal from the threat of the men who expect to hold office under this bill to the farmers of the district I represent, who only expect a square deal, who only ask a square deal, and who are entitled to a square deal. I ask the people who have kept me here so long to believe me when I say now that I am doing what I believe to be right. Sometimes it is easier to say yes than no. During 25 years I have cast no vote which was not in accordance with my honest convictions. No man can point to any vote of mine as a Member of this great body which was cast for the purpose of making myself more popular. I say in all sincerity and truth that I wish I could see my way clear to vote for this bill. I have no criticism for those who are supporting the bill, but I simply can not vote for it, because I believe it might spell ruin and not prosperity to the people I represent. Feeling this way about it, if I did not have the courage of my convictions, I would not be fit to occupy a seat in this body for one single day. [Applause.]

If I am about to make a mistake, I ask my people at home to believe what I know to be the truth, and that is that I am doing now just what I have always tried to do, and that is voting my honest convictions. [Applause.]

STATEMENT BY MR. DOUGHTON ON FARM LEGISLATION

I voted against the McNary-Haugen bill because, in my candid opinion, after thorough study of the measure, it is more likely to injure the farmer than to benefit him should it become a law.

No one could be more anxious to help agriculture through any legitimate governmental agency than myself. I know the farmer's serious situation and distressed condition by personal experience as well as through every other avenue of information. Nine-tenths of my small earthly possession is invested in farm lands, and I expect to be dependent upon the farm for the support of myself and family in my declining years. Moreover, something like 75 per cent of my constituency is engaged in agricultural pursuits, so I have every reason for going the limit to aid the farmer.

At the last session of the present Congress I voted for the Haugen bill, but did so with some misgivings, and not until it had been amended so as to postpone the equalization tax or fee on cotton for two years and limit the amount that could be charged to $2 per bale. I would have voted for the measure again under the same conditions I voted for it before, but those in charge of the measure flatly refused to include these provisions in the bill, though every effort was made to have them do so. They even voted down an amendment placing the maximum limit that could be charged on cotton at $25 per bale.

I, with 174 others, voted for the Aswell bill. In fact, I believe, every Member of the North Carolina delegation, save one, voted in the Committee of the Whole to substitute the Aswell bill for the McNary bill. The Aswell bill would have placed no tax on farm commodities, and, in my judgment, is a feasible, workable measure, and would have brought substantial benefits to agriculture.

I criticize no one for voting for the McNary bill, but I know from numerous expressions heard and private statements made by Members, that a large percentage of those who voted for the McNary bill did so on account of the political pressure largely inspired, in my judgment, by those who expect positions, if this measure should become a law. Others voted, according to their own statements, hoping to gain party advantage and place the President in an embarrassing situation. The bill will, if approved by the President, create a complicated governmental bureau with almost an unlimited number of Federal employees, all to be paid in the last analysis by the farmer. It is estimated that it would cost $300,000,000 annually and instead of curtailing production, the one thing absolutely necessary if any permanent relief is ever to be had, its certain effect, in my opinion, would be to stimulate still greater production and pile up a much greater surplus, leaving the last state of the farmer much worse than the present.

After a very careful study of the farm problem, I consider the McNary-Haugen bill a piece of legislative deception, therefore could not conscientiously give it my support. I sincerely trust, however, that in the near future, certainly not later than the opening of the first session of the Seventieth Congress, all the sincere friends of farm relief will find a common ground upon which they can unite, laying aside all political considerations and make one mighty, united effort to enact some legislation, the effect of which will be to benefit and not deceive the farmer.

POINT OF QUORUM

Mr. SEARS of Florida. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and fifty-five Members are present—a quorum.

B. F. COWLEY

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 4795 and consider it.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take from the Speaker's table the bill S. 4795 and consider the same. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 4795) for the relief of B. F. Cowley

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to B. F. Cowley, postmaster at Leesville, La., the sum of $43.21, paid by him for messenger service in an emergency case.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. I have no objection. That is a bill on the Private Calendar?

The SPEAKER. On the Speaker's table. Is there objection?

Mr. CONNALLY of Texas. Reserving the right to object, how much is this for?

The SPEAKER. Forty-three dollars.

Mr. CRAMTON. Reserving the right to object—and I do not intend to object—I do not intend that this is to be a precedent for the consideration of a bill that does not appear to have been reported by a committee.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

HELIUM GAS

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15344, and agree to the Senate amendment.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 15344, with a Senate amendment, and agree to the Senate amendment.

The Clerk read as follows:

A bill (H. R. 15344) to amend the act entitled "An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes"

Be it enacted, etc., That the act entitled "An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes," approved March 3, 1925, be, and it is hereby, amended to read as follows:

"SECTION 1. That for the purpose of producing helium with which to supply the needs of the Army and Navy and other branches of the Federal Government, the Secretary of Commerce is hereby authorized to acquire land or interest in land by purchase, lease, or condemnation, where necessary, when helium can not be purchased from private parties at less cost, to explore for, procure, or conserve helium-bearing gas; to drill or otherwise test such lands; and to construct plants, pipe lines, facilities, and accessories for the production, storage, and repurification of helium: *Provided,* That any known helium-gas-bearing land on the public domain not covered at the time by leases or permits under the act of February 25, 1920, entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain,' may be reserved for the purposes of this act, and that the United States reserves the ownership and the right to extract, under

such rules and regulations as shall be prescribed by the Secretary of the Interior, helium from all gas produced from lands so permitted, leased, or otherwise granted for development.

"SEC. 2. That the Bureau of Mines, acting under the direction of the Secretary of Commerce, is authorized to maintain and operate helium production and repurification plants, together with facilities and accessories thereto; to store and care for helium; to conduct exploration for and production for helium on and from the lands acquired or set aside under this act; to conduct experimentation and research for the purpose of discovering helium supplies and improving processes and methods of helium production, repurification, storage, and utilization.

"SEC. 3. That all Government plants operated by the Government or under lease or contract with it for the production of helium shall be under the jurisdiction of the Bureau of Mines: *Provided*, That the Army and Navy and other branches of the Federal service requiring helium may requisition it from the said bureau and make payment therefor from any applicable appropriation at actual cost of said helium to the United States, including all expenses connected therewith: *Provided further*, That any surplus helium produced may, until needed for Government use, be leased to American citizens or American corporations under regulations approved by the President: *Provided further*, That, even though no surplus exists, helium in an amount not to exceed 5,000 cubic feet in any one year may be leased or sold to aid scientific and commercial development upon approval of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce, and under regulations approved by the President: *And provided further*, That all moneys received from the sale or leasing of helium shall be credited to a helium-production account and shall be and remain available for the purposes of this section; and that any gas belonging to the United States, after the extraction of helium or any by-product not needed for Government use, shall be sold, and the proceeds of such sales in excess of the cost of said gas or by-product shall be deposited in the Treasury to the credit of miscellaneous receipts.

"SEC. 4. That hereafter no helium gas shall be exported from the United States, or from its possessions, until after application for such exportation has been made to the Secretary of Commerce and permission for said exportation has been obtained from the President of the United States, on the joint recommendation of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. That any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment of not more than one year, or by both such fine and imprisonment; and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section.

"SEC. 5. The Army and Navy may each designate an officer to cooperate with the Department of Commerce in carrying out the purposes of this act, and shall have complete right of access to plants, data, and accounts."

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

NATIONAL GUARD ORGANIZATIONS

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 272, providing for the return of funds belonging to World War National Guard organizations, and agree to the Senate amendment.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table House Joint Resolution 272, and agree to the Senate amendment. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

The title was amended.

MILITARY PARK, STONES RIVER, TENN.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 6246, to establish a national military park at the battle field of Stones River, Tenn., and agree to the Senate amendment.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table House bill 6246, and agree to the Senate amendment. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

FARMERS' PRODUCE MARKET

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 15668, authorizing the acquisition of a site for the farmers' produce market, and for other purposes, and agree to the Senate amendment.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table House bill 15668, and agree to the Senate amendment. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Speaker, reserving the right to object, and I shall not object, it is the understanding of the chairman of the committee that when this site is selected the money is to be taken out of District funds.

Mr. ZIHLMAN. That will be determined by a bill.

Mr. BLANTON. But that is the gentleman's understanding and that is the way he wrote the bill.

Mr. ZIHLMAN. Yes; that is the way I wrote the bill.

Mr. BLANTON. And it is understood by the gentleman and the committee that that should be done?

Mr. ZIHLMAN. Yes.

Mr. BEGG. Mr. Speaker, reserving the right to object, what is the Senate amendment?

Mr. ZIHLMAN. The Senate amendment simply provides that the commissioners may negotiate and report to Congress not later than December 15 as to a suitable site.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

The title was amended.

PIPES FOR THE TRANSMISSION OF STEAM

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent, the House having passed a similar bill several days ago, to take from the Speaker's table Senate bill 5692, granting permission for the laying of pipes for the transmission of steam along the alley between lots Nos. 5 and 32 in square No. 225, and consider the same.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table Senate bill 5692 and consider the same. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, we passed a bill like that night before last in the House. Is it now the gentleman's intention to pass the Senate bill?

Mr. ZIHLMAN. That is the intention.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PRACTICE OF PHARMACY

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 4474 to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the present consideration of Senate bill 4474, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

FEDERAL HIGHWAY ACT

Mr. COLTON. Mr. Speaker, the gentleman from Georgia having consented to withdraw his objection, I renew my request to take from the Speaker's table Senate bill 4530, amending sections 11 and 21 of the Federal highway act, approved November 9, 1921, amending paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," prescribing limitations on the payment of Federal funds in the construction of highways, and for other purposes, and consider the same.

The SPEAKER. The gentleman from Utah asks unanimous consent to take from the Speaker's table Senate bill 4530 and consider the same. The Clerk will again report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, as I understand this bill has never been reported to the House by any House committee, and I want to ask the gentleman from Utah to make a statement as to just what the bill does.

Mr. LAGUARDIA. Mr. Speaker, in the meantime I reserve the right to object.

Mr. COLTON. Mr. Speaker and gentlemen, this bill is introduced at the request of the National Association of Highway Commissioners. It contains two propositions. It provides, in the first place, that some of the Western States that are sparsely settled may apply to the Bureau of Public Roads and ask that the Federal Government construct certain sections of the public highway out of the sums allotted to a State, and the money used shall be taken from the State's allotment. It does not increase the amount of money given to any State whatever, but simply permits them to concentrate their funds in sections of the State where roads could not otherwise be constructed. Nor does it diminish the amount to be expended by any State.

Mr. CRAMTON. It does eliminate the need of State cooperation?

Mr. COLTON. No; not at all.

Mr. BEGG. Mr. Speaker, I think this bill has a lot of elements in it which should be considered and should not be sprung on us as a surprise. I would like to look at it if it is going to change a basic law as important as the highway act. As the gentleman well knows, I am not in sympathy with some of the provisions in the highway act dealing with roads in the West, and I do not want the bars broken down.

Mr. COLTON. Let me say to the gentleman that we are not changing the basic law at all. It simply permits the concentration of funds for the construction now of roads which otherwise will not be completed for 15 or 20 years.

Mr. BEGG. What does the gentleman mean by the concentration of funds?

Mr. COLTON. I mean use them in one or more sections, instead of spreading them widely over the State. It will enable the bureau to complete certain sections of interstate highways which will not be completed for many years without this amendment.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. GARRETT of Tennessee. I want to propound an inquiry to the gentleman from Ohio. Does the gentleman from Ohio desire time to look into the bill?

Mr. BEGG. I would certainly like to know what we are doing when we are changing a basic law with respect to Federal participation in the construction of highways.

Mr. GARRETT of Tennessee. I thought if it would help the gentleman to get further opportunity to look into the bill, I would object to it. Why does not the gentleman from Ohio object to it himself?

Mr. BEGG. I am certainly not going to let it go through until I know about it.

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. COLTON. Mr. Speaker, I withdraw my request for the present.

LIEUT. COL. HARRY N. COOTES, UNITED STATES ARMY

Mr. TUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4682) granting permission to Lieut. Col. Harry N. Cootes, United States Army, to accept certain decorations tendered him.

The Clerk read the title of the bill.

Mr. BEGG. Mr. Speaker, I do not think this bill ought to be passed unless it is agreebale to my colleague, the gentleman from Iowa [Mr. COLE].

Mr. LAGUARDIA. What decorations are these and by whom are they tendered?

Mr. TUCKER. They are tendered by Austria.

Mr. LAGUARDIA. For services since the war?

Mr. TUCKER. Yes.

Mr. BEGG. Mr. Speaker, I object for the present.

HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. BURTON. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 110) authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use of the Harriman Geographic code system under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code system for all governmental, administrative, or publication purposes for which the same may be desirable.

The Clerk read the title of the joint resolution.

Mr. CRAMTON. Reserving the right to object, as I understand, this has been reported from the House committee?

Mr. BURTON. It was passed on by the Committee on Rules, with certain amendments.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read the committee amendments.

The committee amendments were agreed to.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

REIMBURSEMENT OF NAVAL OFFICERS FOR PROPERTY LOST OR DESTROYED

Mr. ANDREW. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4316) to amend the act entitled "An act to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service," approved October 6, 1917.

The Clerk read the title of the bill.

Mr. BLACK of Texas. Reserving the right to object, what is the purpose of this bill?

Mr. ANDREW. The bill simply clears up the definitions in the existing law which provide compensation for men in the Navy who have lost property in shipwreck. Under the decision of the comptroller an aircraft vessel is not considered as a vessel.

Mr. BLACK of Texas. The purpose of the bill is simply to clarify the language of a former act?

Mr. ANDREW. Simply to clarify existing wording in the present legislation.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the act entitled "An act to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service," approved October 6, 1917, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following:

"*And provided further,* That as herein employed (1) the term 'vessel' includes any aircraft, (2) the term 'unseaworthy' includes 'unairworthy' in the case of an aircraft, and (3) the term 'shipwreck or other marine disaster' includes the wreck of an aircraft or other disaster thereto, wherever occurring; reimbursement shall not be made in pursuance of this proviso for loss, destruction, or damage occurring prior to January 1, 1925."

The bill was ordered to be read a third time, was read the third time, and passed.

FARMERS' COOPERATIVE ASSOCIATIONS

Mr. TINCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2965) to prevent discrimination against farmers' cooperative associations by boards of trade and similar organizations, and for other purposes, and pass the same with amendments, which I shall offer.

The Clerk read the title of the bill.

Mr. CHINDBLOM. Reserving the right to object, there will be two amendments?

Mr. TINCHER. Yes; I will offer two amendments.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, may I ask the gentleman from Kansas whether this bill was considered in the House.

Mr. TINCHER. The bill has a unanimous report from the House committee.

Mr. LAGUARDIA But it was not considered in the House?

Mr. TINCHER. No.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That when used in this act (a) the term "agricultural products" means agricultural, horticultural, viticultural, and dairy products, livestock and the products thereof, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce.

(b) The words "board of trade" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling agricultural products or receiving the same for sale on consignment.

(c) The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District

of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(d) For the purposes of this act (but not in any wise limiting the foregoing definition of interstate commerce) a transaction in respect to any article shall be considered to be in interstate commerce if such article is part of that current of commerce usual in dealing in agricultural products whereby they are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Articles normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation.

(e) The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts.

(f) The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust, within the scope of his employment or office, shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person.

SEC. 2. No board of trade whose members are engaged in the business of buying or selling agricultural products or receiving the same for sale on consignment in interstate commerce shall exclude from membership in, and all privileges on, such board of trade, any duly authorized representative of any lawfully formed and conducted cooperative association, corporate or otherwise, composed substantially of producers of agricultural products, or any such representative of any organization acting for a group of such associations, if such association or organization has adequate financial responsibility and complies or agrees to comply with such terms and conditions as are or may be imposed lawfully on other members of such board: *Provided*, That no rule of a board of trade shall forbid or be construed to forbid the return on a patronage basis by such cooperative association or organization to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

SEC. 3. Any such cooperative association or any such organization whose duly authorized representative is excluded from such membership and privileges by any board of trade referred to in section 2 of this act may sue in the United States district court in whose jurisdiction such board of trade is operated or maintained for a mandatory injunction compelling such board of trade to admit such duly authorized representative to such membership and privileges and for any damages sustained, and such court shall have jurisdiction to issue such an injunction and to award such incidental damages as it may deem appropriate.

The SPEAKER. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 5, page 1, after the word "products," insert "food products of," and after the word "livestock," in the same line, strike out "and the products thereof"; and on page 2, in line 5, after the word "consignment," insert "except markets designated as contract markets under the grain futures act."

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LESTER P. BARLOW

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10178) to confer authority on the Court of Claims to hear and determine the claim of Lester P. Barlow against the United States, with the Senate amendment, and agree to the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was read.

The Senate amendment was agreed to.

WHALER ISLAND, DEL NORTE COUNTY, CALIF.

Mr. LEA of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5385) authorizing the Secretary of the Interior to issue patent to the County of Del Norte, State of California, to Whaler Island, in Crescent City Bay, Del Norte County, Calif., for purposes of a public wharf, a similar bill being on the calendar.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue patent to the county of Del Norte, State of California, to Whaler Island, containing about 3 acres, in Crescent City Bay, Del Norte County, Calif., for purposes of a public wharf.

SEC. 2. That the Secretary of the Interior is hereby directed to take such action as may be necessary to carry out the purposes of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEA of California, a motion to reconsider the same was laid on the table.

HENRY F. DOWNING

Mr. WELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1691) for the relief of Henry F. Downing, with a Senate amendment, and agree to the same.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was read and agreed to.

THE HOOVER BLIGHT ON ALASKA

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Alaskan fisheries.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. SUTHERLAND. Mr. Speaker, there are three questions regarding the Territory of Alaska to which the Territorial Delegate in Congress makes reply every day. The first question is "When will Alaska become a State?" My reply is "when we have population enough to warrant us in applying to Congress for statehood." The second question is "What is the present population?" My reply is that although the census returns of 1920 indicate a population of 54,899 it is my belief that the population is nearer to 57,000 than to the census figures already given. The third question asked is "Why does not the population of Alaska increase?" The reply is that there are several minor reasons and one major reason for this apparent stagnation of Territorial growth in population.

One minor cause of retarded growth is the attraction of high wages in the industrial sections of the United States which hold men who might otherwise adopt an independent existence upon the land in Alaska by farming, stock raising, or mining. The prosperous condition in the industrial centers of the United States attract men from the farming sections of the State, so that the farmer population of some States is decreasing, and under such general conditions it is not strange that people are not going to the land in distant Alaska.

Our restrictive immigration laws may be given as another reason for our small population in Alaska, but this is a very minor reason, as the class of Europeans who would naturally be attracted to Alaska and who are adapted to its climate are not materially restricted under the immigration quota system.

Another reason is the exhaustion of our bonanza placers. Although large areas of virgin placer ground await the installation of improved machinery, the rich spots where independent miners find employment are "worked out," and the modern dredges require but comparatively few men to operate them.

THE MAJOR REASON

The principal reason why Alaska does not increase in population is the unfair, unjust, and un-American administration of our fisheries by the Department of Commerce.

ALASKA'S FISHERY RESOURCES

The fishery resources of Alaska are greater than those of any other country on earth, greater than those of all the United States proper, and I believe greater than the combined resources of all the European fishing countries. The world's supply of halibut and salmon, the most desirable of ocean fish, are in our Alaskan waters, while the waters of the Pacific and Bering Sea abound in cod, a fishery not yet exploited to any extent even though for many years a fleet of fishing vessels has operated in Bering Sea.

THE GREAT SALMON FISHERY

Alaska's greatest natural resource is her salmon fishery. Its magnitude causes the cod, halibut, and herring fishery to appear almost insignificant, and our halibut fishery is by far the greatest in the world. The catch of salmon for the season of 1926 was the second greatest since the beginning of the industry, reaching a total valuation of approximately $50,000,000.

ONE-SIDED PROSPERITY

The result of this immense pack of salmon is great prosperity for the investors in cannery property in Alaska. The press organs of the packing interests lay great stress on the prosperity of the industry, but they do not inform the public that the local fishing population of Alaska did not participate in this prosperity. While the cannery proprietors and stockholders are spending the winter in the States rejoicing in their prosperity, many of the Alaskan fishing population are in poverty and distress as a result of Secretary Hoover's policy in regulating the salmon fishery solely for the benefit of the Chicago, San Francisco, Portland, and Seattle investors, and in discrimination against Alaskan residents. Once was a time when National or State prosperity meant the general prosperity of the people as a whole, but to-day prosperity in Alaska is reckoned by the Department of Commerce in dividends to cannery owners.

DIVIDEND-EARNING REGULATIONS

When Mr. Hoover attempted by Executive orders in 1922 and 1923 to divide up the Alaskan salmon-fishing grounds among his friends of Chicago and Pacific coast cities and to establish them in preferred and exclusive rights, the Congress, upon learning the facts, informed Mr. Hoover of its "unanimous and positive opinion that this practice of granting exclusive fishing privileges should cease." The Congress then enacted a fishery law which was intended to guarantee equal rights to all citizens participating in the fisheries. This law is identical in the powers conferred on the Secretary of Commerce with the law of British Columbia and other fishing countries where fishery laws are fairly and equitably administered; but Mr. Hoover and his subordinates have manipulated their regulations under the act of 1924 in such a manner as to uphold and maintain in part the monopoly which was their objective under the Executive orders of 1922 and 1923.

The present regulations, as every resident of the Alaska coast knows, are not designed in the interest of the fishing population but for the benefit of a privileged few cannery operators. Nor are these regulations designed to conserve the supply of salmon, as this year's immense pack clearly indicates. Surely no person with the slightest knowledge of the Alaskan fisheries would have the temerity to assert that the regulations for Chignik Bay, for instance, are not designed in the interest of the three large canneries located there. Is there a resident of Kodiak Island who would say that the purse seine regulations for all Kodiak waters are not designed for the purpose of protecting the monopoly at the mouth of Karluk River or that the inhibition against floating traps in Kodiak waters is not for the sole purpose of protecting the present trap monopoly on Kodiak Island? Who among the residents of southeastern Alaska would state that the regulations for spacing traps a certain distance apart were not designed to relieve the canning companies of the expense of maintaining dummy traps and to strengthen the trap monopoly?

DRIVING LOCAL FISHERMEN OUT OF BUSINESS

Of all the reprehensible tricks yet perpetrated in the name of conservation, that of Mr. Hoover in driving the local fishermen out of the bays and inlets where their forefathers had established their fishing rights is probably the worst. They were forced from their accustomed fishing grounds and into waters where their primitive fishing appliances became virtually useless, but these waters were ideal for the operation of destructive automatic appliances, and these appliances were promptly put into operation to take the salmon of which the local fishermen were deprived.

I herewith present figures which tell much clearer than any words of mine the duplicity of Secretary Hoover and his commissioners of fisheries in robbing the local people of their fishing rights under the pretense of conserving the fish supply.

Table showing the increase of traps and trap-caught fish in Alaskan waters under the Hoover regulations authorized by the act of 1924:

Year	Number of traps	Per cent of fish caught in traps
1923	465	44
1924	498	49
1925	580	53
1926	677	----------

The percentage of increase in the amount of fish caught in traps for 1926 is not available, but it will represent an increase even though the large gill-net catch in western Alaska will tend to offset the trap percentage.

THE EFFECT OF HOOVER'S TRAP MONOPOLY

Mr. Roderick Davis, the mayor of Metlakatla, Alaska, appearing before the Committee on the Merchant Marine and Fisheries, recently stated that for the past two seasons, 1925 and 1926, while operating a fishing boat he and his crew had failed to make expenses by reason of being forbidden by Mr. Hoover to operate on their accustomed fishing grounds. It is certainly a commentary on the unfair regulations promulgated by the Department of Commerce that a crew of capable, thrifty Alaskan natives could not earn enough to provide for their families in 1926, the second greatest fish year Alaska has yet known.

Mr. Davis made a further statement that serves to fully illustrate the injustice done to his people by Mr. Hoover. This statement was that a number of his Metlakatla men had crossed over the line into British Columbia in 1926, where fair and equitable fishery laws prevail. They joined British Columbia fishing boat crews and returned to Metlakatla at the close of the fishing season with about $1,200 apiece as the result of their season's work. They found that many of their people fishing in American boats under Mr. Hoover's regulations had, like Mr. Davis and his crew, failed to make their operating expenses.

THE PRINCE WILLIAM SOUND TRAP MONOPOLY

At Cordova, in 1923, Mr. Secretary Hoover announced in a public address that it was his purpose to build up a fishing industry in Alaska similar to that of Norway. The selection of Norway as a model upon which to build up the Alaskan fishing population was because Mr. Hoover was aware of the fact that quite a number of fishermen of Norse birth were located in Cordova and were listening to his address. Loud applause greeted the announcement and all along the coast the people looked for an administration of our fishery laws in a manner similar to Norway. The Norse fishermen now realize that Mr. Hoover's Cordova speech was only "sounding brass and a tinkling cymbal."

Last season the independent fishermen of Cordova were so restricted in their fishing at the mouth of the Copper River that their returns were almost nothing. They hoped to earn a little more by fitting out for seine fishing during the pink-salmon run but here they were blocked by the trap monopoly. When the main run of salmon arrived and when these independent fishermen should have reaped their harvest they were notified that the traps would catch all the fish required by the canneries and therefore there was no sale for the independent product. Why should Norwegian fishermen remain in Alaska under such outrageous administration of fishery law as this? They need not go to Norway or British Columbia or any other foreign country to find a decent administration of law where they can follow their calling. They have only to go to Mr. Hoover's own State of California where his Alaska practices would not be tolerated for a moment and are, in fact, specifically prohibited by constitution and statute.

THE SHUMAGIN CRIME

For some years the population of the Shumagin group of islands, which consists in large part of people of Scandinavian origin, has been engaged in catching and preparing codfish for the American market. Although the tariff law of 1922 provides for a duty of 1¼ cents per pound on dried salt fish it is not enough to protect the American producer, and as a result the American market is flooded with the European product. The Shumagin Island's fishermen can not market their product, and it is therefore a waste of time and energy to follow that branch of the fisheries. They would turn to fishing for salmon, a product which has no European competition, but here they are blocked by the trap monopoly. Once the people of the Shumagin Islands enjoyed the rights of catching salmon on a community fishing ground near the town of Unga. Here there was an abundance of red salmon for all who wished to take them, but a few years ago Mr. Hoover's Bureau of Fisheries permitted one of the large canning companies to usurp this community fishing ground for the operation of a large trap.

The local resident can no longer set his net on this fishing ground, but the marvelous catches of the trap is a subject for discussion throughout western Alaska. It is said that this one trap can supply a large cannery with its season's pack.

By all moral laws the right to take those fish belongs to the people of Unga, the people who first discovered this favorite haunt of red salmon, and who utilized it as their common fishing ground until it was taken away from them by cold-blooded, selfish packing interests, with the connivance of the Department of Commerce. Why should the fishing population of these islands remain there under these adverse conditions that have been forced upon them by Secretary Hoover's sub-

ordinates as a part of the Secretary's general plan of building up private monopoly in the Alaska fisheries?

STATISTICAL EVIDENCE OF THE HOOVER BLIGHT

That the fishery policy of Mr. Hoover has resulted in blasting the hopes of independent fishermen and blighting the industry until human rights are dead and invested privilege is supreme is well proven by the following table of the fishery production and number of people employed in countries where the laws are administered justly and equitably and where monopoly is not permitted, in comparison with Alaska, where only the privileges of the rich are recognized and the rights of the poor denied by Mr. Hoover.

Table showing fishery production, number employed, and number employed in actual catching of fish in Alaska compared with other fishing countries, and indicating clearly the dead hand that lies on Alaska:

Country	Product value	Whole number employed	Number engaged in actual taking of fish
Alaska	$56,578,726	27,685	6,471
Canada, including British Columbia	47,942,131	74,545	----------
United Kingdom, including Scotland	99,746,933	81,309	----------
United States, excluding Alaska	64,156,663	163,402	----------
Scotland	22,965,959	28,794	----------
British Columbia	22,414,618	17,382	9,944
California	25,000,000	16,887	5,072

The Alaska valuation figures are for 1926, the number of men employed for 1925. All figures for British Columbia and California are for 1925. The figures for the United States are not accurate as the statistics for one group of States go back to 1921 and others to 1922.

To those who will rightly say that the fisheries of many other countries are not similar to those of Alaska and therefore no fair comparison can be made, I refer the statistics of British Columbia whose fisheries are identical with those of Alaska. This Province where fishery laws and regulations are prepared in the interest of the local fishing population employs one-third more actual fishermen than are employed in Alaska to take an annual complement almost three times as great as British Columbia.

To those who desire to make comparison with a State of the Union, I present the statistics of California, which show how a great fishing industry may be built up under equitable laws. Strangely enough, much of the capital invested in the Alaskan fisheries is of California, but these Californian capitalists will not permit the laws of their State to be extended to Alaska, and Mr. Hoover will use his influence to prevent such extension.

HOOVER PROPAGANDA

The propaganda that issues from the Department of Commerce on Alaskan fisheries is intended to convince the public that a real genius controls the destiny of the industry. Unfortunately, it has the effect of diverting the attention of the public and of Congress from the injustice inflicted upon the fishing population of Alaska. Mr. Hoover's report on conditions in the Alaskan fisheries for 1926 tells the American people that the "results shown, especially in view of the Government's conservation program were amazing" and the American people seem to accept it as gospel. This propaganda is so transparent to the people of the Alaskan coast that the Alaskan, a newspaper published at Petersburg in the center of the southeastern Alaskan fisheries was prompted to expose its insincerity in the following editorial under date of November 12, 1926:

AMAZING SALMON INCREASE

As against the report of O'Malley we would take the field experience of the fishermen of Alaska. Against the fine reports of Secretary Hoover we have the reports of poor runs and small earnings from the fishermen. Again we reiterate, the return cycle will show that in spite of the "amazing increase" it is only amazing that the Bureau of Fisheries, O'Malley, the political puppet of the Fish Trust, can present such a report.

The increase, it is to be noted, is "in the face of further restrictions" admitted by Messrs. O'Malley and Hoover. They did not state that the restrictions are now borne wholly by resident fishermen. They do not state that practically all bays are closed to seine operation but that gigantic fish traps are permitted to operate at the entrance of said bays. They do not tell of the elimination of "dummy" traps whereby the fish barons are divorced from competition menacing the efficiency of their instruments of depletion. They do not tell that the "amazing increase" this year is at the cost of seed fish that did not reach parent stream. They harp on the "progeny of the breeding pink or humpback salmon that escaped in 1924."

It will be remembered that the escapement of that year was a late escapement and to breed late fish is to develop a late run of fish. That the late run this year was a complete fizzle. That the pack put up was practically a trap-caught pack. That the fish were caught before they got to parent streams and that the only "amazing" thing about the purported increase is the collossal ignorance or criminal indifference of men supposed to have the care and protection of this resource of Alaska.

The fact that Mr. Secretary Hoover permitted the packers to take from Alaskan waters in 1926 an amount of salmon almost equal to the great pack of 1918 (the pack of 1926 was 6,633,278 cases; of 1918, 6,677,569 cases), surely refutes his pretense of conserving the supply. It was held that the great pack of 1918 depleted the supply and hence the necessity for restrictive regulations to conserve and replenish the supply. "Conservation" is a magical word with the American people and its use by Mr. Hoover is much more efficacious in stilling the public mind and maintaining injustice than all the protests of poverty-stricken Alaskan natives can accomplish toward securing justice.

HOOVER'S "AMAZING" DRAFT OF FISHES

Mr. Hoover's "amazing" increase of fishes in Alaskan waters makes the scriptural narrative of the miraculous draft of fishes in the Sea of Galilee appear like a very commonplace incident. It is generally agreed upon by scientists and even theologians that the Galilean miracle might be attributed to natural laws. It is possible for fishes to congregate in a certain portion of a lake or river without supernatural inducement, but our super-Secretary of Commerce in his "amazing" increase of Alaskan salmon suspends all natural laws governing their life cycle and lessens by at least one and probably two or three years the term allotted by nature for them to reach maturity. In the days of Luke and John, propaganda had not reached the efficient stage of the present day, and so the two disciples told a plain, straightforward and truthful story of the draft of fishes, the translation of which is beautiful in its simplicity. The force of professional propagandists attached to the Department of Commerce in narrating Mr. Hoover's miraculous performance as administrator of Alaskan fisheries have embellished their story to such an extent that in comparison the scriptural miracles become insignificant incidents. It is to be expected that I will be accused of disrespect or even of sacrilege by many good citizens who have fallen under the influence of Hoover propaganda, for there are to-day many hypnotized people who would resent as sacrilege any disparagement of Mr. Hoover's superhuman or occult accomplishments, as related by his propagandists, but who would readily concede it to be in good form for one to express doubt regarding the truth of the scriptural stories of supernatural happenings.

FOOLING THE AMERICAN PEOPLE

The India rubber market miracle of 1926 serves well to illustrate the Hoover propaganda method. With one superhuman gesture he commanded the British rubber monopolists to desist in their unfair business practices and a few days later his propagandists announced a crash in the rubber market and a consequent saving of many millions to American automobile owners by Mr. Hoover. Although full explanation of the fluctuation of the rubber market by operation of the laws of supply and demand was made by economists and by American rubber purchasers who had bought unusually heavy orders and who assured the public that the price would almost immediately return to normal, the incident still stands as one of Mr. Hoover's superhuman performances. In thus applying his knowledge of what was sure to occur, in natural order, to impress the public with his phenomenal powers, he was much like the boatswain who had learned to read the chronometer and was thus able to impress his fellow seamen with his unusual powers by commanding the signal ball at Greenwich to drop at his will. A perhaps more notable exercise of scientific knowledge along Hoover's lines was in the case of Capt. John Smith, who intimidated Chief Powhatan and his Indian followers by eclipsing the sun for their benefit. Captain Smith had a greater incentive to miracle working than Mr. Hoover has, and no man would criticize the doughty old captain for his emergency performance.

BITUMINOUS BUNK

The great outstanding miracle of Mr. Hoover's commercial reign is recorded in his 1924 report on the bituminous coal industry. It will be recalled that the industrial war in the soft-coal sections was referred to Mr. Hoover, who immediately waved his magic wand and then reported complete adjustment of difficulties, stabilization of wages and employment, and general peace and tranquillity in the mining regions. It is a well-known fact that industrial peace has been raging continuously

in the soft-coal areas ever since, and to-day the conditions are more chaotic than when Mr. Hoover plunged in to rectify them.

This demonstration of superpower is on an exact parity with his prompt "correction" of conditions in the Alaskan fisheries as recorded propagandically by his Commissioner of Fisheries in this language:

It has been a source of satisfaction and gratification to learn that the industry as a whole has supported and indorsed the conservation measures of the department in building up and perpetuating the runs of salmon in Alaska. There has been a splendid spirit of cooperation shown by the industry with the department in its efforts to administer the fisheries of Alaska.

There is not an independent fisherman on the coast of Alaska from Dixons entrance to Bering Sea who will not arise to refute that assertion and to curse the day that Mr. Hoover instituted his policy of unjust discrimination against the local fishing population of the Territory. There are those who firmly believe that Mr. Hoover has established ideal conditions in the Alaskan fisheries just as they believe he stabilized the rubber market and just as they believe he adjusted all dissension and strife in the soft-coal industry and nothing will change their abiding faith in his superhuman endowments so long as his facilities for press propaganda continue. We are living in an age of hero worship. Our heroes are created largely by the press. Powerful business interests are able, by proper publicity, to create a new hero whenever they require one, and to convince a large portion of the population that the veriest parvenu is "a priest after the order of Melchisedec, having neither beginning of days nor end of life."

Modern propaganda is a most wonderful thing. When it is directed either toward enhancing or diminishing the reputation of public men its potency is beyond question. Secretary Hoover is indeed a past master in the art of publicity. For a decade he has kept himself before the American public, and in fact before the world public by this method. The front page lionizes him every day for his most inconsequential utterances and would have readers believe that their oracle's innate modesty causes him to rebel against publicity. There is no doubt that this "shrinking violet" conception of Mr. Hoover that he has succeeded in instilling in the mind of the American public is the cause of much hero worship. The American public will not countenance a hero who is not modest, and for that reason the press has given us a retiring, shy, diffident, superman like the Wonderful Wizard of Oz, for—

You see Oz is a great wizard and can take on any form he wishes, but who the real Oz is when he is in his own form, no living person can tell.

FATHER AND SON

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to address the House for half a minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Speaker, on October 16, 1924, Ensign Merritt J. Flanders, of Ocilla, Ga., was killed in an airplane collision at San Diego, Calif. Thereafter the editor of the Ocilla Star, of my State, father of Ensign Flanders, grieved by the death of his son and inspired by his son's noble life, wrote two editorials, one entitled "My son" and one "Father and son," each of which I ask permission to have inserted in the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Speaker, under leave to extend my remarks in the RECORD, I submit the following editorials written by Mr. J. J. Flanders, editor of the Ocilla Star, Ocilla, Ga., a short while after the death of his son, Ensign Merritt J. Flanders, who was killed in an airplane collision on October 16, 1924, at San Diego, Calif.:

MY SON

I am undertaking the hardest task of my life and yet the father in me wants to delegate the task to no other hand. It is to write for publication about my fine boy who was so suddenly snatched from the activities of a full life—a life that had so much promise in it—into the hereafter.

He is gone, and there is an aching void in the home circle that no other can ever fill.

While this is being written his body is speeding across the continent, a sad home coming. Less than a week ago he was full of life and manly vigor. To-day all that is mortal of him is in a casket coming home to father, mother, sister, and other loved ones, and dear friends. My heart is in the casket with him.

I am proud to have been the father of such a son. He was modest and hated all show and ostentation. I would never have written of him while he was alive. He would have been abashed at being praised in public print. But he was a fine boy. The scores of letters and telegrams that have come from those who knew and loved him say he was a fine boy, and I am inclined to believe them all.

He was ambitious. From early boyhood he showed a strong inclination for the Navy. His great desire was to go to Annapolis, fit himself in the Naval Academy for the duties of a naval officer, and give his life to the service of his country. It was not the life his mother and I would have chosen for him, but it is not the prerogative of one person to choose for another in the matter of a life's calling, even though the other person be a father or a mother. So he had his way. After four years of study in the Naval Academy, where in spite of much loss of time from serious illness, he made a creditable record, and entered upon his life's work a little more than two years ago. He was making good.

He was patriotic. Already in the academy when war was declared against Germany, he felt that it was cowardly for him to remain within the safe walls of the academy when other boys were in the trenches fighting for their country. It was with some difficulty that I convinced him that since the war might be a long one, he could best serve his country by continuing his training, and be able to offer a trained officer instead of a raw recruit. He was always anxious to get into the fight.

He hated sham and show. Though he loved the uniform he did not like to "show off," and preferred while off duty to wear civilian clothing so as not to attract attention. There was no affectation about him. Nothing would chagrin him more than to tell him that he was acquiring the northerner's brogue. He clung to the language of his southern people whom he loved.

He had high ideals. All that it took to make a gentleman he had. No better training could be had than was his in the Naval Academy. He was the soul of honor, as I believe most of those boys were. High toned, brave, courteous, honest, obedient to authority, all that was necessary to make him loved by those who knew him. There was nothing sordid about him.

He was clean in his life. One of the most precious recollections that his mother will cherish forever is the fact that on the occasion of his last visit home, he voluntarily told her that he had lead a clean life. I believe he was always a gentleman with girls. Do you wonder, folks, that we are proud of a boy like that?

He was affectionate. How tender he was to his mother and sister and grandmother. How his last letters home were full of the joy of the times he would have at home with mother. Said that he did not think he would leave the house while here. How his very last letter, written three days before his death breathed his love for us.

Best of all, he had faith in God. He was converted early in life, and while his somewhat shy nature kept him from effusiveness of every kind, yet he gave manifestations of his faith that are dear to us.

Yes: my dear readers of the Star (my friends most of you) I am proud to have been the father of such a son.

J. J. FLANDERS.

FATHER AND SON

Not in any sense discounting the influence that a mother exercises over her son, there is no relation in life more sacred and fraught with more responsibility than that of father to son.

It is a great privilege to be the father of a boy. In the son the father can see himself reproduced. His son is his contribution to the world. It is his privilege to guide the young feet of his son along paths that his greater knowledge and wider experience have shown him to be safest. It is an experience that makes the heart tingle with joy to see in one's son the growth of the high principles of life that have been inculcated during childhood and youth. To see a son grown from youth into young manhood and give evidence that he is living the high life that his father had hoped he would live is an experience that is well worth all it costs.

It is also a great responsibility to be a father. The son is sure to be something of his father in reproduction, whether the father makes effort or not. In early life the boy's father is the biggest man in the world to the boy. It is a sad day for the father whose son finds out that he is an unworthy man. He has shattered the ideals of a young life, and he may never aim as high again. He has brought into the world an immortal soul, and the responsibility of guiding the soul is to a large extent in the hands of the father. The mother's place is important, of course, but it is different from that of the father. His is the responsibility of giving to his son an outlook on life such as he will need in the outside world. He must furnish the man element in the training of the boy and fitting him for life. Quite often it is his duty to let the boy know that in the velvet glove of liberty is the iron hand of law, and sometimes he must exert stern authority that hurts his father heart. But he must do for his son what he knows is best for him, and he does it.

What of the father who fails to realize his responsibility to do more than furnish food and clothing and a little chance to get some sort of

education, the one who seems not much concerned that his boy is growing up without moral culture? There are apparently many such. It is perhaps easier for the present to drift along and let matters take their course, hoping that in the end that the boy will finally turn out all right. Isn't this sort of father taking too big a risk?

And what of the father who actually leads his son into wrongdoing? The father who is a partner with his son in crime? There are even such as this.

When the father looks down for the first time into the depths of the blue eyes of his baby boy, he has accepted a big job from God Almighty, one that will require the very best that is in him every day in the week and every month in the year, with no vacations. The little fellow is dependent upon him for his future. How can any man fail to give the very best that is within him for the sake of that baby boy, that little fellow in kilts, the little chap in short pants, the youngster in his teens, and the young man in his flower?

It is a big job, but it is worth the price. A father can have few pleasures in life to compare with that of having the son, a grown young man, write back to the home and say, "I used to think you were hard on me, but I know now you were right, and I thank you." There is an indorsement that beats any letter of recommendation that an outsider could ever write.

May this little editorial, that comes out of the very heart of a father, serve in some way to help some other father to be a better father to his son, and may it help to give a better chance to some son to become the real true man that God wants him to be, because his father sees his privilege and duty a little more clearly.

MEYER LONDON—HIS LIFE AND LABORS

Mr. BERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the life and work of the late Meyer London, formerly a Member of the House.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BERGER. Mr. Speaker, ladies, and gentlemen, on June 7, 1926, the announcement was made to this House of the untimely death of the Hon. Meyer London, a former Member of this body, who had served in the Sixty-fourth, Sixty-fifth, and Sixty-seventh Congresses, representing the twelfth congressional district of New York. He had passed away on the evening of June 6, the day before, a few hours after he had been struck by an automobile while crossing the street near his home in New York City.

Now that the Sixty-ninth Congress is about to conclude its labors, I wish to avail myself of the privilege the House has been kind enough to extend to me to incorporate a few remarks on the life and work of Meyer London, and to refer particularly to the loss which I feel the workers of our Nation in general, and the Socialists in particular, sustained when he passed from our midst.

I do not propose to deliver a eulogy, partly because eulogies are matters that I approach with considerable diffidence, but mainly because the tribute which 500,000 men, women, and children paid to Meyer London as they stood with bowed heads while the funeral procession wound its way through the tenement-house district of the lower East Side of New York was more eloquent than anything that could be reduced to words in the course of an address.

To the Members of Congress who had the privilege of serving with him during the six years that he was a Member of this body—years which undoubtedly tested the worth of men—Meyer London was known as an earnest man, a deep thinker, a ready and eloquent speaker, a keen intellect, a worthy opponent, and a champion of the rights of minorities, whether they be political, racial, or religious. In the verbal encounters in which he engaged while serving his constituency here and defending the views he held—and these encounters were numerous, since he was the only Socialist to serve in this body in the six years he was here, and one of the only two Socialists ever elected to this House—he gained for himself the esteem of his associates, who enjoyed the high plane to which he elevated every discussion in which he participated and the clean-cut way in which he met the opposition.

But to the 500,000 people who left their homes and factories to pay their final tribute at what was said by the press to have been the greatest outpouring at any funeral ever held in the city of New York and to the millions of others all over the Nation who had either listened to his eloquent and soul-stirring appeals at the numerous meetings he addressed in various parts of the country or who had read of his work in and out of Congress he was more than a skillful debater, more than a deep thinker, more than a Representative. They remembered him as one who voiced their aspirations in the days when they were the victims of merciless exploitation, who cheered them on during long and weary weeks of strikes when nothing but starvation stared them in the face, who sat up nights with strike committees endeavoring to obtain for the men and women of labor who were out on the industrial battle line a little more of the things in life that make life worth living. They knew him as a neighbor, who though he had risen to serve them in the highest councils of the Nation returned to them whenever the cares intrusted to him would permit, sharing with them their joys and their sorrows.

In short, to them he was a champion striving to realize the hopes of the lowly and the disinherited, employing his talents to make the road they had to travel a little easier, the goal to which he directed them more readily attainable, giving of himself the best there was in him so that the great ideal of socialism, which inspired him, might also inspire them and lift them out of the sordidness and greed to which an industrial civilization had committed them.

Meyer London was born in Kalvaria, Russia, on December 29, 1871. His father, Ephraim London, suffered in addition to the disabilities to which all Jews were subjected at that time in the land of the Czar, the handicap that went with being a radical. On his mother's side London was a descendant of a long line of distinguished rabbis.

London's father emigrated to New York when Meyer was but 12 years old and started, in the fashion of the pioneer, a radical Jewish newspaper, the first of its kind in the United States. Meyer was left in school in Russia. At 15 years of age he was supporting himself by tutoring his less studious classmates. He attended the high school in Russia, and the gymnasia at Suwalk, Poland.

At about this time, Russia promulgated her infamous laws discriminating against Jewish students, and forbidding all save a small proportion of them any higher education. Meyer London decided to leave Russia, and at the age of 18 arrived in the United States to live on the lower east side of New York.

He endured, in his early years in this land, the privations of the immigrant. He spent the first few years in his father's print shop, which was not in a very prosperous condition at any time. Fortunately for himself, and for the cause to which he was to devote his life, he succeeded in obtaining a position in the public library, where he could spend his spare time reading. Here he read and re-read the classics, not only those of his native tongue but those in the English language as well, he studied the great orations, and particularly those that were delivered in the cause of human liberty in all ages and in all lands; he acquired an intimate knowledge of history, modern and ancient, and prepared himself to render service to the people among whom he lived.

Evenings he attended the New York University Law School, from which he graduated in 1898, receiving his degree of LL. B.

The east side of New York, into which most of the newcomers found their way—at least for the first few years of their residence in the United States—was undergoing a racial transformation at about this time, and with it a transformation of ideals and aspirations. It was rapidly becoming the Ghetto, famous, on the one hand, for the dreamers, the idealists, the intellectuals who were thrown together in an alien land, and, on the other hand, for the exploitation to which the greed of the earlier immigrant exposed the newcomer in the sweatshops which marked the beginning of the cloak and suit industry.

Compelled to work 12 and 14 hours a day in the dingy rooms of the huge, black tenement houses, into which light and air penetrated with great difficulty, these intellectuals and dreamers would spend their evenings seeking mental satisfaction and relaxation at the various educational and debating clubs that were then being formed. They discussed and debated the theories of the world's philosophers and attempted to apply to the problems they discussed the views that they had acquired, very often secretly, in the land of the Czar, from which most of them came.

It was in these circles that Meyer London as a youth moved. His readiness in debate, his profound knowledge of the problems which were being considered, and his keen mind soon distinguished him, and in a little while he became the leader of one of the dozen or more radical groups—radical to the orthodox Jew but conservative to the anarchist, who, it may be said, became a conspicuous member of the Ghetto at about that time.

London first identified himself with the socialist movement, in which he was to play a leading part the rest of his life, in 1897, when, with a group of other radicals, he joined the Social Democracy of America, organized by Eugene V. Debs.

At the turn of the century Meyer London was preaching the principles of socialism on the streets of New York, from improvised platforms, or in smoke-filled halls even less adapted for the purpose of meetings. He believed then, as he did throughout

the many years of his labors, that the only revolution worth while, the only one that could endure and really benefit society, was a revolution of the mind, at the basis of which must be the education of the masses. To the work of education he applied himself.

During those years his work was that of the pioneer. He and those who were associated with him constituted a handful in a population totally foreign to the ideals he sought to inculcate in their minds. The prospects of success were dim, the possibility of victory remote. The life of the agitator was a difficult one—it always is. He would tell of how he frequently spoke on corners, where on each of the four corners there was a saloon, to an audience that often consisted of just two men, and how every few minutes 50 per cent of his audience would disappear behind the swinging doors of the near-by saloon.

It required courage, unswerving loyalty to an ideal, and an ideal that could captivate the soul of the dreamer to carry on under such circumstances. He possessed that courage and loyalty, while the ideal he had embraced was one to which many millions the world over gave all they had and all they were—an ideal, which to them meant and means the dawn on the horizon of human destiny.

But in preaching the gospel of a new social order, in which the noblest sentiments of human brotherhood would achieve reality, London did not lose sight, as did so many others equally imbued with the idea, of the necessity of improving the material conditions of those to whom the realization of socialism must of necessity seem the work of decades, possible centuries. He had not only given them an inspiration to hope for some distant cooperative commonwealth toward which they could work, but he appealed to them to organize into trade unions and to demand better living conditions in the immediate present.

He became active in the effort to organize the cloak and suit workers, who were then probably the lowest paid workers in any industry, to improve their situation by obtaining increased wages, a reduction in the hours of labor, and, what was of even greater importance during the period of the sweatshop, more sanitary workshops.

To detail the early struggles of the workers to improve themselves in this industry, and the part that Meyer London took in those struggles, would be to write a history of the remarkable growth of one of our most important industries, the cloak and suit industry. I shall not go into that.

But his outstanding accomplishment, the contribution which will be linked with his name in every history that will be written of the efforts of the American workers to improve themselves, was the agreement which he helped obtain at the conclusion of the most critical strike in which the workers in that industry engaged—an agreement which has come to be known as the Protocol of Peace.

The agreement marked a departure from the methods of adjustment previously employed in the industry, and established the principle of collective bargaining, not only with individual employers, as had been the practice, but with an association of the employers controlling the major portion of the trade and employing about 60 per cent of the workers engaged in it. It was necessary to overcome the fears that had been engendered among the workers of dealing with a powerful association of employers instead of with individuals, and it was London's task not only to devise the plan but to secure its approval in the face of bitter hostility on the part of other leaders and of a large part of the workers themselves.

That he accomplished, and the acceptance by both the employers and the employees of the Protocol of Peace marked the turning point in the industry, gave it an era of peace, which assured the growth of the industry, and furnished a model in trade agreements.

Meyer London was thus active in both the labor and the Socialist movements which, in the needle trades, came to be almost one. It was the Socialists who had lifted these workers out of their misery and the worst evils of industrialism, and it was to the Socialists that they looked for guidance and support.

But in addition to representing the unions as their attorney, defending them in the courts, presenting their demands to various conferences and commissions, serving them on strike committees which would sit days and nights mapping out a strategy that would bring victory to the workers in their numerous contests with the employers, and as strike leader rallying the men and women to remain steadfast in the face of untold privations and hardships which are incidental to every strike, London conducted a number of notable legal battles in defense of the American principle of political asylum.

The most famous of these was the Jan Pouren case. Jan Pouren, a Russian revolutionist, had escaped to America after having committed what was essentially a political crime in Russia. The agents of the Czar in the United States apprehended him and sought his extradition to Russia, where it was certain death awaited him. The socialists took the initiative in the fight to obtain his release, and London led the battle which ended with Pouren's release and the vindication of the dearest of American institutions—an asylum for political refugees.

In this connection it may be well to mention also London's aid to the revolutionary forces in Russia. Next to giving his time and his energies to improving the circumstances of the people among whom he lived, London's fondest dream was to witness the establishment of a democratic and liberal government in Russia, the accomplishment of which depended upon the overthrow of the Czarist régime. The revolutionists in Russia, following their unsuccessful attempt to overthrow the Czar in the 1905 revolution, required assistance from their friends in the United States, and to raise funds for the continuation of the revolutionary struggle absorbed London's attention.

After the 1905 revolution he traveled from one end of the country to the other appealing to liberal and radical elements to contribute to the cause of Russian freedom. For weeks and months at a time his law practice was neglected, hardly furnishing enough to provide a living for himself and his small family. But the success of the revolutionary movement in Russia was dearer to him than any material gain he could achieve for himself.

It is not surprising, then, that when in 1917 the revolution was finally accomplished, the Czar dethroned, and a democratic government set up, that in the first proclamation of the provisional government they mentioned high up on the list of those to whom they sent their thanks the name of Meyer London.

Nor is it surprising that as a Member of Congress at the time the revolution occurred London should have pleaded with his associates for a sympathetic understanding of the aspirations of the Russian people and for the aid of the United States in the effort that 180,000,000 Russians were making in the face of almost hopeless odds to work out their salvation after a thousand years of darkness and czarism.

In 1912 London was the Socialist candidate for Congress on the lower East Side. He was making the race in a district which had been considered the impregnable stronghold of Tammany Hall. But it was more than a struggle between two political parties—it was a contest between two different elements of the community, and London's name had come to be synonymous with everything clean, with everything idealistic in that community. He received the support of all the better elements, regardless of political affiliation. He failed of election, but the closeness of the contest heartened his friends and dismayed his opponents.

Two years later he succeeded in being elected as the first Socialist to be chosen to Congress from the eastern part of the country, and the second in the Nation.

Ordinarily the election of a Member of Congress is, of course, a source of gratification to his friends and to the members of the organization which aided in securing the victory. But the election of Meyer London in 1914 on the lower East Side of New York was more than a victory of that sort. It brought joy to the hearts of the workers of the entire country, and to none more than to the people of the tenement-house district of New York. They had elected one of their own, the man who meant more to them because he gave more to them than any other individual they knew.

The press accounts of that election told of how thousands of people throughout the city stayed up all of the night, eagerly awaiting the outcome of the election. In the early hours of the morning, when it seemed certain that nothing could overturn London's lead, the East Side went wild with joy. Young and old, orthodox and reform, professional men and shopworker joined in celebrating the victory of their favorite.

The following Sunday afternoon 12,000 people filled the Madison Square Garden, the largest hall in the city, to commemorate the election of London. They paid an admission fee, and thousands of others, only too willing to pay, were turned away for lack of room.

London came to Congress in December, 1915, almost a year and a half after the outbreak of the European war. He served during the period when the propaganda of the Allies brought about the so-called preparedness campaign and the demand on the part of the vested interests that we enter the war to save the Allies. "National honor," "Stand by the President," "Protect our rights,"—these were the slogans that filled the pages of the CONGRESSIONAL RECORD of that Congress.

The task of the peacemaker is always a difficult one, but it became especially arduous in the face of a nation-wide propaganda that we enter the European war on the side of the Allies.

In a number of speeches on the international situation, London appealed to Congress to preserve the influence it possessed as the one great Nation not already in the maelstrom of war for the work of peace and reconstruction. He proposed the calling of a congress of neutral nations for the consideration of terms of peace, and when the specter of war became more menacing, and the danger that the United States would enter it imminent, he offered another resolution declaring it to be the purpose of Congress not to engage in war with any foreign nation unless it be to defend our country in time of an invasion of our territory.

He repudiated the conventional conception of national honor, declaring that the national honor of the United States can not be violated by any people other than the people of the United States. He opposed the preparedness program on the ground that a large standing Army was not only useless but dangerous, and contended that "the larger the American Army, the smaller the American people."

During that Congress he opposed the sending of an army into Mexico to capture Villa, voted against tabling the McLemore resolution, which provided that Americans be warned to stay off armed merchantmen flying the flags of belligerent nations, and began the campaign he continued during the balance of his service in Congress for a system of old-age pensions.

He inaugurated in that Congress the practice of reporting periodically to his constituents on the work of Congress, and it would be at these meetings, attended mainly by immigrants, that he would interpret the nobler side of America—that side which had given to the world some of the greatest fighters for human liberty. He pictured to them the lives of the liberators our country had produced, and distinguished them from the America of the exploiters, whom they had come to know in their struggle for a livelihood.

After interpreting to the immigrant masses he represented the ideals of the Nation they had adopted, he would return to Congress to interpret to his colleagues the hopes which moved the immigrant masses and to tell of the contributions they were making to America. He opposed every effort to restrict immigration.

But to him, to those whom he represented, and to the Nation at large, the most important Congress in which he served—the most important Congress, for that matter, in the history of our country—was the Sixty-fifth Congress, to which he was reelected in 1916 and which was called into special session on April 2, 1917, to comply with President Wilson's demand that the United States declare the existence of a state of war between our country and Germany.

On the opening day he renewed his appeal that the President call a conference for the purpose of submitting terms of peace to the warring nations. On April 5, the day before the war was declared, he addressed the House, appealing for peace. But all talk was in vain. The die had been cast. Years of propaganda had had its effect. Nothing could stay the hand that thrust us into the maelstrom of the European war. With 49 other Members of the House, which included practically all the leaders of the Democratic Party, he voted against the declaration of war. He later voted against the conscription law.

The position in which he found himself in the war Congress was a trying one. He knew its causes, and knew that the war was not of the people's choosing. He knew that the United States could gain nothing by its entry. In these views he was in agreement with the sentiments expressed by the Socialist Party in the proclamation it adopted at an emergency convention held in St. Louis the same week.

But while agreeing with the members of his own party on their analysis of the commercial origin of the war, he was unable to accept their view that having entered the war he could or should resist its prosecution. He accordingly voted "present" on some of the war measures, and on others he voted in the affirmative.

But if he could not altogether adhere to the position his party had taken at its national convention, he could even less accept the views and approve the acts of the 100 per centers and the superpatriots in Congress, who in their professed ambition to make the world safe for democracy made their first assault on the liberties of the American people. The hatred they sought to engender, the jingoism which inspired their every word and deed, the use of such words as "Huns" and "vandals" in describing a people who have contributed so much to civilization, as have the German people, and the sanctimonious airs assumed by those who had some thievery of their own to conceal—all this added to the hardships he had to undergo during those critical years. To attempt to restrain the fury of the noncombatants under conditions such as these was surely not an enviable task.

His course satisfied neither the members of his party nor his colleagues in Congress. He could travel the whole road with neither. In the House he was criticized for his failure to cooperate in the wholesale destruction and violation of constitutional guaranties, attempted under the guise of measures to more effectively prosecute the war, when they were, in fact, intended to persecute those who were unwilling to accept all the fabrications made in the various war offices. On the other hand, his party associates, displeased by the attitude he assumed in voting for war measures, were equally critical.

The difficulty of his position may best be illustrated by citing the fact that while in the Senate of the United States 26 men courageously opposed the espionage act, which should have been called a peonage act—it made this a Nation of peons—in the House Meyer London was the only one to cast a dissenting vote. If he had done nothing else in his public career, this vote of his would have entitled him to a position among the great liberators of our age and to the everlasting love of freedom-loving men and women. He also cast the only dissenting vote in Congress on the resolution declaring war against Austria-Hungary. In matters of war, he said, he was a teetotaler—he refused to take the first intoxicating drink.

Only those who are not carried away by the mob instinct—and in war time only the most courageous can escape the herd psychology—can appreciate the burdens that such a struggle imposes. Deserted to a very large extent by those whom he loved but whom he was unable to satisfy, frequently denounced by the others, he bore the trials and tribulations of those days with a fortitude that must have been born of the years of sacrifice and service he rendered the cause of his fellow men. Standing alone was not a rare position for him to be in—more than once he had been denounced by those in whose cause he labored—but he contended for what he thought was right, doing his duty as he saw it.

The Russian Revolution and the series of events to which it gave rise afforded London an opportunity to serve as an interpreter of the hopes which prompted the Russian masses to overthrow czarism and to endeavor to take their place among the leading democracies of the world. His knowledge of Russia's history, of the struggles in which it had engaged, of the aspirations of its people, and of the ills from which they were seeking relief in revolution served to remove to some extent the barrier to which misunderstanding had given rise. He was frequently consulted by President Wilson as to the policies to be pursued with respect to Russia and as frequently informed the President that the policies he had adopted would produce a condition the very opposite of what they were intended to produce, that they would strengthen the dictatorship and weaken the democratic elements in Russia, who preferred to take care of themselves without the assistance of governments they mistrusted. He opposed, for example, the sending of the Root mission to Russia, for he knew how any mission headed by Elihu Root would be received by the liberals of Russia.

But whatever his views with respect to the Bolshevists of Russia—and he opposed them and the dictatorship upon which they rested and rest their power—he continued to plead for the recognition of the Soviet Government, once it had shown that it possessed the elements of stability.

He was, both during the war and immediately thereafter, one of the leading exponents of a league of nations—not the league that emerged from the Versailles conference which he, in common with most liberals, here denounced, but a league which would give to the people instead of to the diplomats the control of international relations.

His principal field of endeavor in the Sixty-fifth Congress was, of course, international relations, in which he continuously urged a negotiated peace—one that would not create, as the Versailles treaty has created—more dangers than it removed. But his speeches, all of which were delivered extemporaneously, covered a wide field of domestic problems as well; so wide a field that I shall have to resist the temptation I had of attempting a partial enumeration of them.

In 1918, after serving two terms in Congress, he was defeated, the two parties having fused against him on the ground that it was necessary to replace him with a 100 per cent patriot—one who would not reason why. A number of special conditions contributed to his defeat, as did a disaffection on the part of some of the radicals of his own party, who disapproved his war stand. With all of these untoward conditions confronting him, he lost the district by a very narrow margin.

That his popularity among the large masses who considered him their leader did not abate, and that his defeat was due to the temporary conditions to which I have adverted, was demonstrated two years later when, notwithstanding a fusion of the two parties who united on one candidate, he carried the district by a clean-cut majority. The passions of war had begun to subside. Meyer London's adherence to what he believed to be his duty to his people and to the country of his adoption had come to be appreciated, even by those who disagreed with him most violently.

He returned to Congress in 1921 to find the perplexing problems of reconstruction still unsolved. In the prisons of the Nation there were still 2,000 men and women who had been sentenced to prison terms ranging up to 20 years because they doubted and refused to believe and repeat all the lies they had been told about the idealistic purposes of America's participation in the war, and who dared to disclose their doubts and disbeliefs, millions of people—just how many millions the Government was unable to determine—were out of employment as a result of the dislocation of industry brought about by the signing of a peace treaty.

In a number of speeches he called attention to the failure of the war to accomplish a single one of the purposes for which its instigators declared it was fought. He recalled the prediction he made when he opposed the declaration of war to the effect that each belligerent would get something for itself if it won, but that the United States would win nothing if it did win. Events have demonstrated that the one thing the United States did win was the enmity of every one of the European nations—those that we helped as well as those we opposed—and that instead of promoting the cause of peace and making the war one to end war, it resulted in the creation of dozens of new hatreds, each one of which might lead to another catastrophe.

He recalled, also, the failure of the administration's policy toward Russia—a policy he opposed all along—and again pleaded for the recognition of the Soviet Government, the stability of which could no longer be questioned.

He sought a general amnesty for the release of all who had been convicted under the espionage act, and thus put an end to the war the United States was conducting against its own people long after it had concluded an armistice and signed a treaty of peace with its former enemies.

I shall not take up in detail the numerous measures he sought nor the proposals he opposed. Time will not permit. But this, I am sure, can be said—that in his every act and in his every word he sought to help promote the common good, to bring nearer realization the day of human brotherhood, to make possible the establishment of a social order in which no man will live upon the labor of others. In his adherence to these purposes he never wavered, he never faltered, he never lost faith. He remained throughout a courageous and noble soul.

In 1922 the legislature of his State, controlled by the Republicans, gerrymandered his district and succeeded in defeating him for reelection to Congress. It was evident, after the gerrymander had been approved, that the district could not be carried by the Socialists—the Bowery had been added, and that never was good Socialist territory—but with the certainty of defeat confronting him he entered another campaign determined to go down, as he knew he must, fighting.

He returned to private life, and to the people who loved and honored him, to the lower East Side of New York, into which his years of sacrifice and devotion had brought a little more sunshine, a little more sunlight, where the homes were brighter, their occupants happier because of the sacrifices he had made. He engaged in the practice of law, never taking a case that he did not fully believe in, never employing his talents save to help the poor, for whom he felt with every fiber of his being.

In the last few years he fought the use of the injunction in labor disputes, and in the campaign of 1924, when it seemed that a new political alignment, in which the producers of the Nation would form their own political party, would take place, he threw himself into that fight with a zeal and an enthusiasm which remained unabated with the passing of the years and which seemed to have their source in some inexhaustible fountain.

In his leisure moments he would reread the classics or turn to the newest offerings in the world of literature or spend some time acquiring a working knowledge of some foreign language he had not already mastered. He would occasionally play chess, but his greatest and all-consuming passion to which he would resort for relaxation were books, and it was while he was on the way to the park with one of Chechov's novels under his arm that he was struck by the automobile that fatal Sunday morning.

If it were necessary to choose from the numerous incidents that characterized and disclosed the beauty of his life, it could be said that the one which more than any other typified the greatness of the man, the gentility of his soul, the self-abnegation that marked his life and work, it would be his dying request that the man who had driven the automobile be released, that he was not to blame.

He combined, in a rare degree, those elements which will shed increasing luster on his name in the years to come. You will look in vain to the statute books of the Nation, in whose councils he served, to find the laws that he might have helped enact. But if you will go down into the poverty-stricken sections of New York, or to any of the similar sections of industrial cities, and look into the faces of those he heartened by his inspiring appeals observe the manliness that his work of organization in times of industrial strife created in beings to whom life would have otherwise been barren and contemplate the souls he had enriched by the example he had set you will find some of the things he accomplished for the land of his adoption.

He was aware that he was but a pioneer in just another battle of the age-long struggle of mankind to obtain a large share of happiness—a struggle which is never completely won nor ever completely lost—but unlike many others who dream and pioneer blazing paths for future generations to follow, he succeeded in adding to the immediate happiness of the people he served. When the familiar figure of Meyer London would appear at some mass meeting of strikers, it would be to rally and inspire them. He was then the dreamer and the crusader, picturing to his audience his dream of a world free from oppression and strife. But a few hours later, when the same figure would appear at a conference of representatives of the employers and the strikers, it would be to fight with all the resources he could bring to bear, not for the realization of his dream but for a few dollars more in wages, for better working conditions, for a few hours more each week in which the workers and their families would enjoy some leisure, so that they may have time to work and dream of a new social order.

He would dream, but not make dreams his master.

If the success of his life were to be measured, as it is customary to measure it to-day, by the wealth he was able to lay by, it could be put down as a failure. After 30 years of service to the cause of labor, out of whose ranks many had come to join the ranks of the wealthy, every day of which he fought the battle of the lowly, employing talents that the corporations pay huge sums to obtain, he left about $4,000—his total earthly wealth. Judged by that standard, it would be fair to say he had failed.

But if the success of his life were to be determined not by what he was worth, but by what he had done for the good of others, the inspiration he furnished to cheer on the weary and encourage the crestfallen, the lives he enriched by his association with them in a common cause, and the example he set, he had succeeded in a degree far beyond any that can come to the life of the average individual to-day. Judged by that standard, he was a success.

It will perhaps be a consolation to the widow, who had to bear a large share of the burden that comes to the life of the agitator—a burden that few can appreciate or understand—and to the daughter who survives him, as well as to the immediate relatives whose devotion to him in his numerous struggles sustained him in many dark hours, as well as to those who had the privilege of knowing him and loving him, to know that he will be remembered, his name revered, his devotion to the cause of humanity admired for generations to come, and that he erected for himself a monument more enduring than any the mind of man can devise—a monument which "neither unending years nor the flight of time itself" can destroy, because it lives and will continue to live in the hearts and souls of men.

JOSIAH OGDEN HOFFMAN

Mr. WATSON. Mr. Speaker, by direction of the chairman of the Committee on Military Affairs I call up the bill (H. R. 10238) on the Speaker's table for the relief of Josiah Ogden Hoffman, and move to agree to the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was read and agreed to.

ADDITIONAL JUDGE OF UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4840) to provide

for the appointment of an additional judge of the District Court of the United States for the Northern District of New York.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BLANTON. Reserving the right to object, and I will not object because of the splendid work the chairman of the Judiciary Committee has just performed in reference to another district judge.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States shall appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Northern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judge of said district; and that the official residence of said judges shall not be in the same or adjoining counties.

The bill was ordered to be read a third time; was read the third time and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote was laid on the table.

ADJUSTING AN ACCOUNT BETWEEN STATE OF NEW YORK AND THE UNITED STATES

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table (H. J. Res. 207) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L., p. 777), and appropriated for in the deficiency act of February 27, 1906, and agreed to the Senate amendment.

The SPEAKER. Is there objection?

Mr. CRAMTON. For the present, Mr. Speaker, I shall have to object.

MEDICINAL LIQUORS

Mr. HUDSON. Mr. Speaker the eighteenth amendment provides for the prohibition of the beverage-liquor traffic. The enabling act under which the amendment is enforced, known as the Volstead law, recognizes the legality of medicinal liquors and provides methods for handling the same.

When the law went into effect there were in bonded warehouses, subject to withdrawal on payment of Government tax, a great quantity of distilled liquors. The exact amount as reported by the Government is as follows:

Spirits, by kinds, remaining in bonded warehouses June 30, 1901 to 1923
[Statement in tax gallons]

Year	Whisky	Rum	Gin	Brandy	Alcohol	High wines	Neutral or cologne spirits	Aggregate
1901	150, 652, 832. 5	679, 302. 7	268, 105. 7	1, 705, 269. 7	306, 412. 4	13, 187. 8	813, 296. 9	154, 438, 407. 7
1902	164, 388, 547. 8	949, 430. 1	246, 256. 8	2, 077, 254. 1	683, 077. 7	6, 039. 6	2, 468, 808. 5	170, 819, 684. 6
1903	183, 930, 488. 3	1, 229, 162. 2	172, 118. 6	2, 757, 382. 8	1, 017, 492. 6	11, 819. 3	1, 989, 697. 1	191, 108, 160. 9
1904	191, 320, 875. 7	1, 310, 632. 4	255, 073. 1	2, 775, 088. 3	500, 827. 9	10, 136. 9	1, 738, 379. 8	197, 911, 014. 1
1905	210, 780, 752. 6	1, 195, 443. 9	320, 568. 9	3, 177, 271. 9	1, 074, 047. 6	749. 1	2, 185, 761. 5	218, 734, 595. 5
1906	223, 737, 332. 0	1, 188, 675. 5	273, 231. 3	2, 226, 587. 0	488, 338. 8	938. 9	1, 047, 312. 3	228, 962, 415. 8
1907	242, 319, 516. 7	1, 222, 581. 1	242, 370. 8	2, 153, 250. 4	866, 072. 9	1, 071. 7	787, 202. 8	247, 592, 066. 4
1908	231, 940, 083. 4	1, 227, 008. 5	201, 176. 3	2, 966, 215. 6	623, 557. 8	1, 784. 9	1, 032, 517. 3	237, 992, 343. 8
1909	226, 096, 519. 0	1, 108, 327. 9	181, 479. 0	3, 679, 936. 7	1, 471, 057. 9	1, 925. 9	282, 124. 3	232, 821, 370. 7
1910	230, 224, 625. 0	820, 268. 5	161, 604. 8	4, 137, 844. 5	1, 813, 869. 6	8, 564. 3	479, 742. 4	237, 646. 519. 1
1911	246, 203, 020. 4	983, 387. 6	214, 794. 0	4, 519, 762. 1	725, 637. 7	68, 491. 9	1, 084, 015. 0	253, 799, 108. 7
1912	260, 074, 282. 8	984, 953. 3	190, 278. 3	5, 001, 083. 6	1, 064, 266. 3	55, 726. 5	1, 416, 324. 6	268, 786, 915. 4
1913	272, 504, 285. 5	1, 086, 063. 4	180, 458. 0	5, 784, 226. 8	1, 102, 091. 4	38, 454. 1	1, 873, 187. 6	282, 568, 766. 8
1914	278, 108, 056. 1	1, 217, 302. 7	216, 016. 2	4, 865, 324. 7	846, 611. 7	15, 07. 3	1, 633, 466. 2	286, 901, 784. 9
1915	249, 714, 721. 4	1, 218, 392. 7	234, 965. 4	6, 143, 372. 3	963, 354. 7	20, 969. 5	1, 515, 937. 6	259, 811, 713. 6
1916	228, 677, 774. 1	906, 042. 5	216, 911. 5	5, 849, 015. 4	1, 771, 356. 4	13, 919. 8	816, 874. 0	238, 251, 893. 7
1917	189, 675, 854. 7	966, 644. 5	533, 065. 0	4, 424, 404. 8	1, 465, 724. 4	30, 391. 1	2, 161, 002. 9	199, 257, 87. 4
1918	140, 721, 821. 5	741, 104. 2	2, 777, 467. 7	3, 494, 020. 8	8, 098, 379. 7	10, 896. 5	6, 609, 594. 9	162, 453, 285. 3
1919	63, 942, 931. 5	460, 709. 6	1, 551, 101. 8	1, 260, 344. 9	5, 094, 894. 9	8, 285. 1	1, 300, 228. 2	73, 618, 496. 0
1920	50, 550, 498. 6	413, 923. 8	963, 996. 7	884, 025. 1	3, 270, 032. 3	6, 826. 3	658, 467. 5	56, 747, 770. 3
1921	39, 961, 943. 8	399, 419. 1	885, 912. 9	641, 558. 1	8, 272, 400. 1	2, 170. 6	369, 006. 7	50, 532, 411. 3
1922	36, 588, 568. 3	384, 012. 2	987, 884. 7	963, 781. 5	6, 745, 909. 0	1, 073. 9	321, 308. 2	45, 992, 537. 8
1923	33, 151, 029. 0	366, 244. 2	878, 597. 2	1, 269, 206. 5	7, 137, 664. 0	1, 073. 9	225, 303. 0	43, 029, 117. 8
1924	30, 064, 670. 9	341, 214. 0	836, 730. 2	1, 289, 400. 8	6, 524, 902. 8	1, 073. 9	172, 650. 6	39, 230, 643. 25
Dec. 31, 1924	28, 437, 342. 1	215, 950. 4	819, 860. 3	1, 244, 464. 4	1, 808, 512. 06	1, 074. 1	170, 055. 5	32, 747, 258. 86

Distilled spirits remaining in bond

	June 30, 1924	Dec. 31, 1924
	Gallons	*Gallons*
Whisky	30, 064, 670. 9	28, 437, 342. 1
Rum	341, 214. 0	265, 950. 4
Gin	836, 730. 2	819, 860. 3
Brandy	1, 289, 400. 8	1, 244, 464. 4
Alcohol	6, 524, 902. 85	1, 808, 512. 06
High wines	1, 073. 9	1, 074. 1
Cologne spirits	172, 650. 6	170, 055. 5
Total	39, 230, 643. 25	32, 747, 258. 86

Now, let us see how far we have gone in the absorption of these liquors:

Withdrawals of whisky from bonded warehouses during fiscal years 1920 to 1924, inclusive
[Statement in tax gallons]

	1920	1921	1922	1923	1924
Withdrawals tax paid [1]	5, 484, 125. 2	8, 671, 860. 4	2, 654, 506. 7	1, 754, 893. 9	1, 813, 178. 2
Withdrawals for export	5, 486, 224. 2	177, 214. 2	97, 479. 6	302, 195. 0	111, 800. 1
Withdrawals for use of the United States	432. 4	590. 3	1, 547. 9	310. 8	878. 9
Withdrawals for transfer to manufacturing warehouses for export	78, 002. 0	0	0	0	0
Withdrawals by foreign legations	1, 517. 7	0	0	0	0
Total	11, 050, 301. 5	8, 849, 664. 9	2, 753, 534. 2	2, 057, 399. 7	1, 925, 857. 2

[1] Includes spirits used for medicinal purposes.

It will be noticed that year by year the withdrawals for medicinal purposes have decreased, and gentlemen of the committee, this decrease in use of medicinal spirits will continue as the policy of national prohibition becomes fixed in the next two decades. To-day 22 States of the Union prohibit the sale of all distilled liquors in addition to the manufacture. Right here, Mr. Speaker, I want to list those States and give the construction of the law in those States.

ALABAMA

Pure alcohol may be prescribed in a quantity not to exceed one-half pint upon a single prescription. Physicians desiring to prescribe alcohol must make an affidavit before the judge of the probate court of the county in which said physician practices, stating that he is a duly licensed practitioner and that he will prescribe alcohol in accordance with the provisions of the law which are set forth in the affidavit required to be filed. For this a fee of 25 cents is allowed the clerk receiving the affidavit. Prescriptions must be written in accordance with a form prescribed by statute. They must contain the name and address of the physician, the name and address of the patient, the date of issuance and the number of like prescriptions written for the same patient within the preceeding 12 months, the disease or malady from which the patient is suffering and set forth the quantities of dose and method of use or administration. Such prescriptions may be issued only after an actual examination of the patient and a copy signed by the physician must be immediately filed with the probate judge who shall preserve the same and deliver all such prescriptions to the next grand jury for examination. (Act of 1919, No. 7, secs. 5, 6, and 7.)

ARIZONA

There is no provision for the sale of intoxicating liquor or alcohol as a medicine either upon prescription or otherwise except that extracts, remedies, etc., which do not contain

more alcohol than is necessary for the legitimate purposes of extracts, solution, or preservation and which contain drugs in sufficient quantity to medicate such compounds and which are sold for legitimate and lawful purposes may be manufactured and sold. (Laws 1917, ch. 63, sec. 2.)

ARKANSAS

A physician may prescribe alcohol only to the sick under his charge when he may deem the same necessary; but before issuing any prescription the physician must file with the clerk of the county in which he resides an affidavit certifying that he will not prescribe or furnish any alcohol to anyone except when, in his judgment, it is necessary treatment of the disease with which the patient is at the time afflicted. (Secs. 6028–6029 of Code and Amendments of 1919, ch. 87, sec. 17.)

DELAWARE

Physician must be in good standing in his profession and not addicted to the use of intoxicating liquors or drugs. Must personally make a careful examination of the person for whom prescribed. May prescribe pure grain or ethyl alcohol only and copy of prescription must be pasted upon bottle. (Act of 1919, ch. 239, secs. 4, 8, and 14.)

FLORIDA

A physician regularly licensed to practice his profession by the State board of medical examiners may prescribe pure alcohol in quantities not exceeding 8 ounces at any time for medicinal purposes. To write the prescription the physician must have either a professional knowledge of the case or have made an actual examination of the patient. Prescriptions must be written in substantial compliance with a form set forth in the statutes; can be filled only by pharmacists regularly licensed under the laws of the State, only upon the day of issuance or next succeeding day. Can not be refilled, nor can any one person have more than one such prescription filled in any one day. The prescriptions are required to be preserved as a record by the druggist, subject to inspection by officers charged with the enforcement of the law. (Act of 1919, ch. 7890 (No. 108), p. 238, amending sec. 5 of ch. 7736, acts of 1918 (extra session).)

GEORGIA

Pure alcohol may be prescribed, but alcohol so prescribed must be so medicated as to render it absolutely unfit for use as a beverage. When dispensed upon prescription the druggist will be held absolutely responsible as to the sufficiency of the medication. (Laws 1919, No. 139, sec. 4, p. 123.)

IDAHO

There seems to be no provision for prescribing alcohol or liquor in any form for medicinal use. Pharmacists wanting a permit may procure it for compounding medicine, but no provision for prescription as a medicine either in Laws of 1915, chapter 11, or Laws 1921, chapter 50, regulating purchase and transportation of alcohol. The latter act provides that physicians may purchase, for manufacturing, laboratory, or scientific purposes only, pure alcohol upon the execution of a verified requisition in quadruplicate before the probate judge of the county upon a form to be furnished by the secretary of state at cost.

INDIANA

Licensed physicians may prescribe grain or ethyl alcohol only for medicinal purposes. The prescription must contain the name and address of the physician, the kind and quantity of liquor prescribed, the name of the person for whom prescribed, the date on which the prescription is written, and directions for the use of the liquor as prescribed. (Laws 1917, ch. 4, sec. 13, as amended by Laws, 1921, secs. 2 and 3.)

KANSAS

Under section 5499 of the general statutes of 1915 wholesalers may sell alcohol to retail druggists for medicinal purposes in quantities of not less than 1 nor more than 5 gallons. Also the bone dry act, chapter 215, Laws of 1917, page 283, contains a similar provision, but the retailer must file with the carrier and with the county clerk a statement showing the date, the quantity, and for what purpose such alcohol is to be used. The statement to the clerk must be filed within 10 days after delivery. Hospitals may procure alcohol upon the same conditions. There is no provision for the sale of medicinal liquor at retail upon prescription.

MAINE

There is no provision for the sale of medicinal liquor upon prescription. The Code of 1916, chapter 20, section 17, makes it unlawful for apothecaries to sell intoxicating liquor.

MISSISSIPPI

Physicians may prescribe pure alcohol in quantities not exceeding one-half pint. The prescription must be written in substantial compliance with a form provided by law. It must be filled the day of issuance or the following day, and can not be refilled. The physician must make an actual examination of the patient. The pharmacist is required to preserve prescriptions for alcohol and file them at the end of each month with the clerk of the circuit court. (Laws 1908, ch. 113, sec. 3.)

NEBRASKA

Regularly licensed physicians may issue prescriptions requiring the use of intoxicating liquors for their own patients provided the other ingredients with which it is mixed or compounded are of such character and used in such quantities as to render the same unfit for use as a beverage. All such prescriptions shall be on numbered forms furnished, dated and signed by the physician issuing, stating specifically the ingredients and the liquor and giving the name of the person for whom the prescription is issued. The pharmacist filling such prescriptions must preserve them as a record, subject to inspection by the county attorney and the governor. (Acts of 1917, ch. 187, sec. 25.)

NEW MEXICO

Pure grain alcohol only may be sold for medicinal use. Article XXIII amending State constitution.

NORTH DAKOTA

Session Laws of 1923, House bill 50, section 2–B provides that no physician shall issue any prescription for intoxicating liquors as such, but a physician holding a Federal permit may personally superintend or supervise the administration of intoxicating liquors to his patients where the immediate use of such liquors is necessary to afford relief for some disease, providing that not more than 1 pint of such liquor may be administered to any one patient within a period of 10 days, and no physician shall obtain more than 5 gallons of such liquor during the calendar year.

OKLAHOMA

Pure grain alcohol only may be prescribed for medicinal purposes. The governor is authorized to prescribe rules and regulations governing its sale. (Session Laws 1911 as amended by Laws 1913, ch. 70, sec. 1; Comp. St. 1921, sec. 6982.)

OREGON

Physicians may prescribe ethyl alcohol only upon prescription, if a licensed physician in good standing, actually engaged in the practice of his profession. The prescription must be dated the actual date of issuance. They must be numbered consecutively during each calendar month, the number of each prescription to appear plainly upon its face. It must show the general nature of the ailment, the name and address of the patient and of the physician, and must be written in duplicate, and on or before the 10th of each calendar month carbon copies must be filed with the clerk of the county of all prescriptions issued during the month, together with an affidavit certifying that the prescriptions filed constitute a full report of all alcohol prescribed during the month. Provision is also made whereby the physician may procure and administer alcohol to patients in certain cases, but not to be sold by such physicians. (General Laws 1917, ch. 40, sec. 2.)

SOUTH CAROLINA

Pure alcohol may be prescribed in quantities not exceeding one-half pint. The physician must write his prescription in substantial compliance with a form set forth in the statute. Such physician must be a regular practicing physician of the State. He must make an actual examination of the patient and may prescribe alcohol only when in his professional judgment the use of such alcohol is absolutely necessary to alleviate or cure the disease from which the patient is suffering. Such prescriptions can be filled only upon the day of issuance or the following day, and may not be refilled nor can they be filled at any drug store in which the physician is financially interested.

The alcohol can be delivered by the druggist only to the patient or to some one authorized by the physician to receive it except in the case of minors, in which event it may be delivered to the parent or guardian of such minor. Prescriptions must be preserved by the druggist, recorded and indexed, and at the end of each calendar month filed with the clerk of the court of the county in which such drug store is located. The record and prescriptions are required to be kept subject to inspection by the enforcement officers. (Criminal Code of 1921, secs. 797, 798, and 802.)

TENNESSEE

Physicians of good standing actually engaged in the practice of the profession and not of intemperate habits may prescribe alcohol only in quantities not exceeding 1 pint for medicinal use. Such prescriptions may not be filled after three days of the date of issuance, must be written in triplicate, contain the name of the patient, the address, directions for use, must be signed by the physician, and give his address. The physician is

required to keep one copy of such prescription for a period of two years and on or before the eighth day of each month must mail one copy of all such prescriptions issued by him during the previous calendar month to the pure-food and drug department of the State. The druggist is also required to keep a record of all such prescriptions filled. Such records are to be kept open to the inspection of enforcement officers. (Laws, 1917, ch. 68, secs. 4, 5, and 6.)

UTAH

No physician may prescribe any compound containing in excess of one-half of 1 per cent of alcohol by volume, which is capable of being used as a beverage, or prescribe any medicine containing in total content of such prescription more than 4 ounces of alcohol, and such prescription may not be refilled within seven days. (Sec. 3370. Comp. Laws of 1917, p. 687, being sec. 30 of Laws of 1917, ch. 2.)

WASHINGTON

No provision made for the issuance of prescriptions for intoxicating liquors or alcohol. Licensed physicians may procure alcohol upon securing a permit from the county auditor and may administer the same to their patients, but it is unlawful for a physician to administer diluted alcohol or adulterated alcohol, or alcohol compounds with any other substance, in such proportion that it shall be capable of being used as a beverage, and no prescription can be issued for alcohol to be diluted or adulterated or compounded with any other substance in such proportions that it shall be capable of being used as a beverage. (Sec. 2, Session Laws of 1917, ch. 19.)

WEST VIRGINIA

The law of 1921 provides for the sale by druggists through pharmacists of pure grain alcohol for medicinal purposes and provides that physicians may use the same in the practice of their profession subject to the provisions of the Federal law and the regulations issued thereunder. (Laws of 1923, ch. 29, Barnes, W. Va., Code Ann. Supp., 1923, ch. 32–A, sec. 4.)

Constantly the medical fraternity is taking advanced ground in the matter of the use of medicinal spirits in their practice.

It will be of profit, I am sure, for me to quote a number of the latest expressions of opinions on the subject of our most distinquished physicians and surgeons:

OPINIONS ON ALCOHOL FROM PHYSICIANS IN STATES WHERE THE PRESCRIPTION OF ALCOHOL IS UNLAWFUL

So far as I know, no physician in Arizona ever kicks because of our prohibition law. There are many in the profession who, for personal reasons, would probably like to have a different law. I feel that we have had no deaths in Arizona that could have been avoided if we had had alcoholic liquors in abundance. I do not think that alcohol is a stimulant, and it has no other value except such as might easily be furnished by a substance much less harmful. (Dr. C. A. Thomas, president Arizona State Medical Association.)

Indiana has a State law which prohibits a physician from writing a prescription for alcohol, nor can a physician fill such a prescription. I think generally physicians favor the law. I have heard no protest. (Dr. Samuel E. Earp, president Indiana State Medical Association.)

Probably 95 per cent of the physicians of Mississippi favor the law as it now stands prohibiting the sale of alcoholics on prescription. I did not use alcoholics in my private practice before the law became effective, so I have in no wise missed it. (Dr. T. M. Dye, secretary Mississippi State Medical Association.)

I do not find any loss of success in treating my patients without alcoholic liquors. Our State law prohibiting the sale of liquor as medicine is not unpopular with the better class of the profession. On the contrary, it is decidedly popular and meets their approval. (Dr. Stewart R. Roberts, Atlanta, Ga.)

Our physicians have seemed entirely satisfied with the stand taken by our medical society in 1914 that alcohol has no place as a therapeutic agent. At the last meeting of the society a motion was offered and seconded that our committee on legislation look into the matter and see if there could not be some way arranged whereby physicians could be allowed to use alcohol on prescription. A motion to table was carried unanimously. In 1900 I decided that alcoholic liquors were of no value as medicinal agents, and I have not used them since that time. (Dr. L. B. McBrayer, secretary Medical Society of the State of North Carolina.)

At the recent meeting of the West Virginia State Medical Association a motion was made to petition the State legislature to alter the law so that physicians might prescribe liquors in West Virginia. The motion was tabled, and an effort to take it up the next day was defeated. (Dr. D. A. McGregor, Secretary West Virginia State Medical Association.)

Physicians may not prescribe alcoholic beverages for patients in this State. It is my opinion that the physicians of Utah are very grateful that such a law was passed, as very few physicians care to be besieged by patients who desire only some form of alcohol and then, as a rule, not for legitimate purposes. I am convinced that alcoholic beverages are unnecessary in the treatment of the sick. (Dr. W. L. Rich, Secretary Utah State Medical Association.)

There was for a long time a divided sentiment as to the value of whisky as a medicinal agent, but it is rarely discussed in medical meetings now. The majority of the doctors of the State were originally prohibitionists. I was not, but I am now since I have seen the good effects of the law. (Dr. S. W. Wilcle, State health officer, Alabama.)

I practiced general medicine for 22 years and did not find it necessary to prescribe alcohol in any form more than two or three times a year and think, with a little special effort, substitutes might have been found in most of those cases. (Dr. A. A. Whitmore, State health officer, North Dakota.)

I find no indications for use of whisky as a medicine. It would be a nuisance if our State law should permit physicians to prescribe whisky, as the invalids for whisky would pester me for a prescription for their "medicine." I hope our State law remains as it is. (Dr. Willard E. Smith, Wilmington, Del.)

I favor the law of Maine which forbids the sale and prescription of alcohol beverages, but permits the administration of these if the physician thinks them necessary. It is my personal opinion that alcohol is very rarely of value as an aid in the treatment of disease. (Prof. F. N. Whittier, M. D., Bowdoin Medical College, Brunswick, Me.)

I think our State law right in forbidding the sale of whisky as medicine. I do not consider alcohol necessary and do not use it in any form in my practice. (Dr. A. W. Porter, Portland, Me.)

I do not find the State law objectionable which forbids the prescription of alcoholics. So far as I know the better class of physicians in Nebraska are entirely in harmony with this opinion. (Dr. W. F. Milroy, Omaha, Nebr.)

Physicians in Kansas have long since ceased to use liquor as a therapeutic agent in the treatment of disease. The loss of this agent has been a gain. (Dr. S. J. Crumbine, secretary State board of health, Kansas.)

I am glad to say that laws of our State restricting the sale of alcohol are no handicap in my practice. I practiced for 20 years under the impression that whisky or brandy was a necessity in certain cases. I know now that this was entirely erroneous, and for 10 years I have seen no indication for the internal use of alcohol in sickness. (Dr. B. R. Veasey, Wilmington, Del.)

I feel quite confidently that if the "bone dry" law existed throughout the country the medical profession would soon find remedies that would serve as well, maybe better, than alcoholic liquors. (Dr. G. W. Garrison, Little Rock, Ark., State health officer.)

We the undersigned physicians of Wichita, Kans., do not require alcohol as a therapeutic agent in our medical practice, and find no fault with our "bone dry" law. (Ernest E. Tippen, Elmer J. Nodurfth, D. H. Cooper, director of public welfare, J. G. Misseldin, Edward M. Palmer, R. A. West, Earl D. Carter, O. S. Rich, C. A. Parker, H. T. Davidson, R. G. House, H. Michener, L. A. Sutter.)

PHYSICIANS ON ALCOHOL

Doctor Bevan, long prominent in the American Medical Association, says that 99 of every 100 whisky prescriptions are bootleg prescriptions. We presume that Doctor Bevan is expressing an opinion as to the value of whisky as a medicine rather than commenting upon the ethics of the medical profession. Dr. J. H. Musser, ex-president of the American Medical Association, said the same thing in a different way some years ago:

The physician should have blazoned before him, "If you can do no good, do no harm." If this rule is adhered to, in 99 cases out of 100, the physician will give no alcohol.

Years ago the Board of Temperance, Prohibition, and Public Morals collected from various sources, quotations indicating the opinions of physicians as to use of alcoholic liquor as a bever-

age or medicine. It is possible, but not probable, that some of these physicians may have changed their opinions and some of them may be no longer living, but nevertheless their words are of the greatest value. Part of this concentrated testimony is given:

Liquor in all its forms, and used for any purposes whatever, I believe to be an unmitigated evil. (Dr. Howard A. Kelly, of the Johns Hopkins University.)

Alcohol is not a medicine, it aggravates diseases and hastens death, it is productive of physical and mental degeneracy and should be no longer prescribed by intelligent physicians. It is the best possible persuader of diseases, and damaging even in small quantities. (Dr. DeWitt G. Wilcox.)

I am not aware of any medical connection in which alcohol is necessary, nor of any in which it could not with advantage be replaced by some less dangerous drug. (Sir Arthur Chance, M. D.)

All the alcohols are irritant, narcotic, anesthetic poisons. Alcohol is a poison in the same sense as arsenic, prussic acid, or chloroform. (Dr. Norman Kerr, of England.)

The light of exact investigation has shown that the thereapeutic value of alcohol rests on an insecure basis, and it is constantly being made clearer that, after all, alcohol is a poison to be handled with the same care and circumspection as other agents capable of producing noxious and deadly effects upon the organism. * * * The facts brought out by the researches of Abbott and Laitinen and others do not furnish the slightest support for the use of alcohol in the treatment of infectious diseases in man. (Journal of the American Medical Association.)

It seems to me that the field of usefulness of alcohol in therapeutics is extremely limited and possibly does not exist at all. (Dr. Reid Hunt, Public Health and Marine Hospital Service, Washington, D. C.)

It is time alcohol was banished from the medical armamentarium; whisky has killed thousands where it cured one. (J. N. McCormick, M. D., secretary Kentucky Board of Health, and organizer for the American Medical Association.)

The medical profession is learning that alcohol has been much abused in the treatment of the sick and is largely discarding it. I hardly find occasion to prescribe it once a year. (W. A. Plecker, M. D., secretary State board of health, Hampton, Va.)

Many physicians prescribe alcohol only because it is the desire of the patient, and because patients refuse medicine which the physicians would rather use. (Everett Hooper, M. D., Boston, Mass.)

In the 13 years I have taught in Michigan I have not used alcohol in the treatment of disease in a routine way. (Dr. George Dock, formerly professor of medicine, University of Michigan Medical College.)

My belief is that there is very little need for the medical use of alcohol. (Dr. E. G. Cutler, Harvard, Boston.)

Alcohol is rarely helpful in the treatment of disease. (Dr. Elliott P. Joslin, instructor in the theory and practice of physics, Harvard Medical School, Boston, Mass.)

I believe that alcohol is the greatest foe to the human race to-day. I feel that it would not be a serious harm if its use as a medicine were totally discontinued. (Dr. Walter E. Fernald, clinical lecturer in mental diseases, Tufts Medical College, Boston, Mass.)

Alcohol is distinctly a poison, and the limitations of its use should be as strict as that of any other kind of poison. (Sir Frederick Treves, surgeon to King Edward.)

If during the last quarter of a century I have prescribed almost no alcohol in the treatment of disease it is because I have found very little reason for its use. (Sir James Barr, dean of the medical school of Liverpool University.)

The public should learn from us that there is mighty little, if any, place for alcohol in medicine. They should learn that alcohol is a poison in the same class with opium, cocaine, and other deadly drugs. (Lieut. Col. J. W. S. McCullough, chief sanitary officer of the Second Division and secretary of the provisional board of health, before the Toronto Academy of Medicine.)

Whisky and other forms of alcohol have caused more deaths after snake bite than the venom of the snake. (Dr. L. K. Hirshberg, of Johns Hopkins University.)

Children of drinking fathers are very much more liable to tuberculosis. The results of my investigations are as follows: 149 occasional drinkers, 8.7 per cent tuberculous children; 169 habitual drinkers, 10.7 per cent tuberculous children; 67 moderate drinkers, 16.4 per cent tuberculous children; 60 confirmed drunkards, 21.7 per cent tuberculous children. (Prof. A. von Bunge, Basel, Switzerland.)

Mr. Speaker, I shall support this legislation to-day, provided some amendments I shall offer are adopted by the committee, on the ground that it may be a temporary necessity, with the firm conviction that 10 years from now we shall be in a position to eliminate this traffic, as we have the beverage-liquor traffic. Let me add here in support of that statement the résumé as outlined in an article recently appearing in the Dearborn Independent.

In reading the reports of the United States Treasury for the year 1926 one is surprised to note the extent to which medicinal spirits aided to ward off epidemics in our larger cities; for example, in the States of New York and Illinois about one-half of all the prescriptions used in the United States were written. Chicago and New York City were thus presumably saved from great loss of life through the permit cure for fatal maladies.

We can hardly blame the doctors or druggists alone for this. It can not be assumed that they forced the "medicine" down the throats of their patients. It is far more probable that the patients themselves were responsible for this consumption of spirits and in more than one instance used this means to evade the prohibition law. And yet some one wrote each prescription. Otherwise the large number of prescriptions which were filled in the two States mentioned, as well as in the three next in line—Pennsylvania, California, and Massachusetts—could not have been made.

The difficulties Uncle Sam has met with in trying to enforce the prohibition law might be lessened materially if a few side issues, such as medicinal permits, were more carefully controlled. The Treasury Department has enough to do without safeguarding the public health.

Allow me to quote here in closing extracts from an article from the Success Magazine of February, 1927, entitled "A 'Wet' Will Never Be President," by Atherton Du Puy:

The records show that voters support prohibition. Year after year 70 to 90 per cent of the men chosen to office are dry. Moreover, the capacity of the drys to win at the polls increases as the years pass. Yet so great is the volume of wet talk that the public continues to consider the question as open, as an unsettled national issue. Let us calmly review the facts.

The first overwhelming demonstration of the vote-getting strength of the prohibition movement came with the ratifying by the States back in 1919 of the constitutional amendment providing for it. The legislatures of 46 out of 48 States, both senate and house in each case, voted for approval. Two States, Rhode Island and Connecticut, merely failed to act. The wets interpreted this overwhelming ratification as an outpouring of idealism engendered by the war. They expected a reaction. The Congress of the United States would, of course, temper this ardor.

Since that time four Congresses have been elected. Each has been drier than its predecessor. This last election marked the most desperate fighting that the wets have yet made. Their heavy artillery preparation for it had lasted a year. But when the smoke had cleared away the drys had gained two Congressmen. The wets gained one Senator. That did little to offset a 6 to 1 majority in both Houses. And this is the one body which registers the national attitude on such questions.

State feeling likewise was recorded in this last election. Thirty-five governors had been elected. Of these, 30 were outspoken in their dryness. There were but two—Smith, of New York, and Ritchie, of Maryland—who were frankly wets. Zimmerman, of Wisconsin, executive of a wet State, was silent on prohibition. Rhode Island and Connecticut, with good enforcement laws but wet inclinations, avoided the issue.

Of the 35 legislatures chosen 30 are admittedly dry in both houses. But one legislature, that of Maryland, is wet in both houses. Four States have legislatures with one house wet and one dry. There is no escaping the fact that the voters throughout the Nation, in choosing their legislatures, have registered an almost unanimous dry will. This can hardly be laughed off.

New York is quite wet. Two-thirds of the Representatives in Congress are wet. One house of the legislature is wet and one dry. Yet the drys gave a demonstration of their strength in New York. They picked for slaughter the most outstanding Republican political figure in the State, Senator WADSWORTH, who seemed a fixture in Washington. They ingloriously defeated him. After the election, State Republican leader Samuel S. Koenig, a wet, issued a statement in which he said that henceforth candidates for State offices in New York must be dry.

Maryland, though dry in the country districts, is set down as sopping wet. Maryland has six congressional districts. Four of these touch Baltimore, and are wet. The other two are dry.

Wisconsin, with her Teutonic population, wants her 2.75 per cent beer. Missouri elected a wet Senator while registering against a repeal of the State enforcement code. Her situation is mixed. With Rhode Island and Connecticut she may be set down as wet, though not aggressively so.

By the record Massachusetts is dry, though she elected a wet Senator. Senator WALSH, a candidate of great personal popularity, defeated Senator Butler, whose lack of vote-getting qualities is little less than pitiful and whose declarations on the liquor question were far from satisfactory to the drys. At the same time Massachusetts chose a dry governor by a big majority. She chose 11 dry Members of Congress and 3 wets. Her legislature is dry two to one. All the State officials are dry. Senator WALSH himself is not outspoken in his wetness. He tends to soft pedal it. On the contrary, he is likely to follow in the footsteps of his Republican colleague, Senator GILLETT. This suave gentleman used to be a political wet. Two years ago, pitted against this same Senator WALSH, he announced his political dryness. He won. He is now dry.

In the recent election Pennsylvania elected a wet Senator. The city of Philadelphia was responsible, as the State, despite its Republicanism, came down to the metropolis with a 50,000 majority for the dry Democrat. A dry governor was chosen by an overwhelming majority. The majority of the congressional delegation is dry, as are the majority of the State officers and members of the legislature.

Of the other 39 States there is no possible doubt in the world. They are dry. The public does not appreciate, for example, the determined dryness of Illinois, despite Chicago. In the recent election, for example, Illinois elected SMITH as Senator despite embarrassing charges against him. Brennan, his Democratic opponent, said on the stump that this was a wet and dry referendum. The result would show where Illinois stood on this question. And the drys won. Illinois also elected two Representatives in Congress at large. This means that they were voted for by the whole State. Both were dry. The congressional delegation, the legislature, the governor, and other State officials are dry as the Dead Sea shore.

Then there is Ohio, not usually thought to be specially dry, considering Cincinnati and its large German population. Both parties cling to the idea that wet candidates can be elected. This time the Democrats nominated Senator Pomerene, a wet, to run against a less able man, Senator WILLIS, a dry. The dry candidate won. The Democrats, however, nominated a dry for governor, and he won. The Democratic candidate for lieutenant governor, also was a dry, and he won. Lower down the ticket the Democrats had nominated wets against dry Republicans. The Republicans won. From top to bottom of the ticket the voters picked out the drys and elected them while giving the wets the knife.

There are a few States like Ohio in which the politicians still experiment with wet candidates. They are learning fast, however, that it does not pay. Already there are some 35 States which nominate only dry candidates. All the candidates, from Senator to coroner, are dry. The matter is settled. From the Potomac to the Rio Grande, with the single exception of Louisiana, this is the case. Here is a single tier of 13 States that has closed the book on this issue. From Ohio west to the Pacific, with the exception of Wisconsin and Missouri, there is another solid block of 21 States in which prohibition has ceased to be an issue because no wet candidates ever appear.

New York, Philadelphia, Baltimore, Boston, in their wetness, think of themselves as the voice of the Nation. It is doubtful if they could dominate this small area for there is Maine, New Hampshire, Vermont, Massachusetts, Delaware, nonmetropolitan New York, Pennsylvania, and rural Maryland that are unequivocally dry.

The score for the United States as a whole stands thus: Dry States, 39; wets, 7; doubtful, 2. Hence, the election of a wet to the presidency is shown to be utterly impossible. Wet America is but a fringe on one corner of her raiment. But it is a very vocal fringe and therefore has attracted much attention.

THE RELATION OF PROHIBITION TO LAW

Mr. VINSON of Kentucky. Mr. Speaker, the eighteenth amendment and the national prohibition act represent the American policy of government in dealing with the beverage liquor traffic. Congress did not adopt this policy, but in response to a growing demand and sentiment submitted the question of constitutional prohibition to the States for adoption or rejection. This was done December 17, 1917. In 1 year and 30 days the legislatures of three-fourths of the States had ratified the amendment. Thereafter all the other States ratified it with the exception of Rhode Island and Connecticut, and one branch of the legislature in each of these States ratified. The total vote on ratification was 1,310 for 237 against in the State senates and 3,782 for and 1,035 against in the lower branches of the legislatures.

For the first time in our history a Constitution proviso did not delegate to Congress sole power for its enforcement, but placed equal obligation on the States and Federal Government. This duty of Congress to accept and discharge this responsibility is clear, both by the plain provisions of section 2 of the amendment and by court construction. Section 2 reads as follows:

> The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

The United States Supreme Court said:

> The second section means that power to take legislative measures to make the policy effective shall exist in Congress in respect of the territorial limits of the United States and at the same time the like power of the several States within their territorial limits shall not cease to exist.

Section 1 of the amendment applied the prohibition to all the States and Territory of the Nation. It was a general and uniform prohibition. The Supreme Court in its opinion on national prohibition cases—Rhode Island *v.* Paline (253 U. S. 350)—said:

> In the first place, it is indisputable, as I have stated, that the first section imposed a general prohibition which it was the purpose to make universally and uniformly operative and efficacious.

The second section of the amendment imposes upon Congress and the States the obligation to make this general prohibition effective. Chief Justice White, in his concurring opinion in the same case, has expressed the mind of the court on that point, saying:

> Mark the relation of the text [of this amendment] to this view, since the power which it gives to State and Nation is not to construct or perfect or cause the amendment to be completely operative, but, as already made completely operative, to enforce it.

The purpose of the amendment was clear. Repeatedly the courts have spoken concerning that purpose. The Supreme Court of Kentucky said:

> The intent and purpose of the amendment was to make prohibition effective.

The Supreme Court of Louisiana said:

> The purpose, both of the eighteenth amendment and the Volstead Act, was and is the enforcement of prohibition.

The Supreme Court of West Virginia held:

> It can not be denied but that the purpose of the eighteenth amendment was to secure practical prohibition.

Other courts have held similar language.

Congress has the duty of expressing that purpose in legislation which shall make the amendment effective. So the Supreme Court of the United States held in the national prohibition cases, when it declared:

> The declaration in the prohibition amendment to the Federal Constitution that "the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation" does not enable Congress or the several States to defeat or thwart the prohibition, but only to enforce it by appropriate means.

This duty Congress discharged in its adoption of the national prohibition act and other measures to enforce the amendment. It based the enforcement law upon the experience of the States which had experimented in various standards and types of law over a long period of years. It was clear that Congress could not legalize any liquors which were prohibited by the States. When national prohibition became effective, 33 States had State prohibitory laws, while much more territory was under local option laws. Of these States having State prohibition laws, 30 States prohibited liquor containing one-half of 1 per cent of alcohol by volume. In almost all the local-option statutes the standard was either one-half of 1 per cent or a more strict standard. These standards had been adopted as the result of years of experience as necessary for the effective enforcement of a prohibition law. Even where the question involved was license and not prohibition, by this standard the line was drawn between intoxicating and nonintoxicating beverages.

The Congress had to decide whether it would accept the definition of intoxicating liquor adopted with practical unanimity in 95 per cent of the territory of the Nation, in which 68 per cent of the people lived under prohibitory laws, or, devise a more liberal definition, as urged by the 5 per cent of the territory which was still wet.

If Congress had adopted a more liberal definition than that in the laws of these dry States, enforcement of prohibition would have been embarrassed in the territory which was already prohibition, since those who were opposed to prohibition would act upon the theory that they were privileged to sell what Congress had not prohibited. If they did thus act, they would be violating a State law and be penalized if caught. The inevitable

confusion from the conflicting standards would encourage lawlessness. Consequently Congress did the practical and sensible thing in basing not only this section of the enforcement act but other sections also on the experience of the States. That experience was not slavishly nor exactly followed. The Federal law was not so strict in many of its provisions as most of the State laws. This was probably conceded out of deference to the wet States, who had no experience in the enforcement of prohibition.

When the national prohibition law was framed, the suggestion was made as it has been since that the Federal law should not attempt to set up an arbitrary standard in its definition of intoxicating liquor. While no persuasive argument was offered by the opponents of such a standard, there were many arguments in favor of its adoption. Among the principal ones was the fact that the purpose of the amendment was to impose a prohibition which should be "universally and uniformly operative and efficacious," as the late Chief Justice White declared in his opinion on the national prohibition cases previously quoted.

Unless some fixed standard of the alcoholic content of permitted liquors is set in the law, then the question whether such liquors are intoxicating in fact would have to be left to the court or jury to define. This might mean as many varying standards as there were jurors in a given case; or as many standards for the Nation as there were judges or juries. The dealer or manufacturer would have no fixed standards for his own protection. His innocence or guilt would be known only after his beverages had been sold and consumed. This uncertainty would open the way to corruption, blackmail, and intimidation of honest and conscientious men comparatively safe. Disagreement of a jury would be inevitable in countless cases. The presence on a jury of one foe of the law or one ultraliberal interpreter of the law would make conviction of lawbreakers practically impossible.

Alcoholic liquors do not affect all people in the same degree. The intoxicating point for each individual depends upon his natural or acquired tolerance of alcohol, upon the quantity consumed, the age, temperament, and physical condition of the drinker. The only standard possible, if Congress had not set one authoritatively, would be the experiences of the judge or official.

Congress thoroughly considered this matter and fixed the standard of alcohol in permitted beverages at half of 1 per cent, following the experience of most of the States and of the Internal Revenue Bureau in their dealings with the licensed liquor traffic. Concerning that action the Supreme Court, in the case of Rhode Island *v.* Palmer (253 U. S. 340, 64 L. Ed. 947), said:

> In the second place, as the prohibition did not define intoxicating beverages which it prohibited, in the absence of anything to the contrary, it clearly, from the very fact of its adoption, cast upon Congress the duty not only of defining the prohibited beverages but also of enacting such regulations and sanctions as were essential to make them operative when defined.

It has also been considered in the case of Ruppert *v.* Caffey, and Justice Brandeis, in delivering the opinion of the court, said:

> And the Attorney General, calling attention specifically to the claim made in respect to the 2.75 per cent beer, had pointed out to Congress that definition of intoxicating liquor by fixed standards was essential to effective enforcement of the prohibition law. It is therefore clear both that Congress might reasonably have considered some legislative definition of intoxicating liquor to be essential to effective enforcement of prohibition and also that the definition provided by the Volstead Act was not an arbitrary one.

In his note to that decision, Justice Brandeis quotes the Attorney General thus:

> Referring to the proposed definition, "I do not think the wisdom of such action on the part of Congress admits of doubt. It goes without saying, I think, that if a law merely prohibits intoxicating liquors and leaves to the jury in each case, from the evidence produced, to determine whether the liquor in question is, in fact, intoxicating or not, its efficient and uniform administration will be impossible. The term 'intoxicating' is too indefinite and uncertain to produce anything like uniform results in such trials. Of course, there are certain liquors so generally known to be intoxicating that any court would take judicial notice of this fact. But in the absence of a definition by Congress there will be innumerable beverages as to which the claim will be made that they do not contain enough alcohol to render them intoxicating. These contentions will produce endless confusion and uncertainty. These, I think, are substantially the reasons why Congress should itself provide a definition.
>
> "The importance of this matter has been very much emphasized by our present efforts to enforce the war prohibition act. The claim is being made that beer containing as much as 2¾ per cent of alcohol is not intoxicating. And if this must be made a question of fact to be decided by each jury, but little in the way of practical results can be expected. I am, however, most earnestly insisting that, in view of the rulings for many years by the Internal Revenue Department, Congress meant when it used the word 'beer' a beverage of the class generally known as beer if it contained as much as one-half of 1 per cent of alcohol."

While I do not know the personal opinion of every Member of Congress, I believe that some Senators and some Representatives voted for the national prohibition act as a measure to enforce the Constitution who were not advocates of national prohibition on its merits. I do not see how any Member can oppose any reasonable legislation to enforce the eighteenth amendment when he has taken an oath of office which obligates each of us to support the Constitution without mental reservation or purpose of evasion. So Lincoln thought when, in his debates with Douglas, he asked:

> What do you understand by supporting the Constitution of a State or of the United States? Is it not to give such constitutional helps to the rights established by that Constitution as may be practically needed? Can you, if you swear to support the Constitution and believe that the Constitution establishes a right, clear your oath without giving it support? Do you support the Constitution if, knowing or believing there is a right established under it which needs specific legislation, you withhold that legislation? Do you not violate and disregard your oath? I can conceive of nothing plainer in the world. There can be nothing in the words "support the Constitution" if you may run counter to it by refusing support to any right established under the Constitution. And what I say here will hold with still more force against the judge's doctrine of "unfriendly legislation * * *."
>
> Lastly I would ask, Is not Congress itself under the obligation to give legislative support to any right that is established under the United States Constitution? A Member of Congress swears to support the Constitution of the United States, and if he sees a right established by that Constitution which needs specific legislative protection, can he clear his oath without giving that protection?

At Quincy, Ill., October 13, 1858, in this same series of debates, Lincoln said:

> If you withhold that necessary legislation for the support of the Constitution and constitutional rights, do you not commit perjury? I ask every sensible man if that is not so? That is undoubtedly just so, say what you please.

These statements of Lincoln apply with equal force to-day in any State that refuses to maintain legislation to enforce the eighteenth amendment.

We may have honest differences of opinion concerning the wisdom or unwisdom of some sections of the Constitution, but we clearly have a duty to provide the necessary legislation to enforce this Constitution. To repeal the national prohibition act, which provides the machinery by which officers can make the eighteenth amendment operative, is a species of nullification. To so amend the national prohibition act that it ceases to be operative or has its effectiveness diminished, nullifies the Constitution to that degree. The Constitution may be made as void by the repeal of enforcement laws as by an organized physical opposition.

There are two legal methods of changing the Constitution. One is by Congress submitting to the States a proposed amendment for ratification or rejection. The other is by a convention called by Congress when two-thirds of the States request it, such a convention proposing amendments which would become effective only when ratified by three-fourths of the States.

Defiance of the Constitution, refusal to obey it, counseling its violation, thwarting its enforcement, is indefensible, dangerous, and anarchistic. This characterization does not imply denial of the right of free speech to any opponent of portions of any existing Constitution, nor does it restrain proper individual liberty in agitating for alterations or the removal of such portions. It merely points out the only legal method by which the Constitution can be altered. It merely phrases differently Washington's warning in his Farewell Address, "The Constitution, which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory on all." The way is open, if the time ever comes when the citizens of this Nation desire to reverse their decision on constitutional prohibition, Congress will doubtless reflect that sentiment and resubmit the question. If Congress is not responsive, then the legislatures of the States can force the issue by requesting a constitutional convention.

There is no justification for the use of illegal or unauthorized means to escape constitutional obligations. There is a difference of opinion in both the House and the Senate as to whether we are approaching the time when this amendment

should be repealed or resubmitted. In considering that question, there are many points we must consider, pertinent among which are the following:

(1) Prohibition should be given as fair a chance to demonstrate its efficiency and wisdom as regulation had to reveal its failure and folly. A seven-year trial is not sufficient. Much of that period has been consumed in devising and revising the machinery necessary for the enforcement of a new national policy. Much was spent in marking time, comparatively, while awaiting court decisions on important legal questions raised by opponents of the law. More time was needed for the adoption of necessary legislation to close up some of the meshes in the law which were so wide open that criminals easily slipped through them. Prohibition enforcement has not had full seven years of test, short as that period would be.

There are sections of this country where neither regulation nor prohibition were known before the adoption of the eighteenth amendment. In such sections the growth of public sentiment supporting the law is necessarily slow. Writing from Connecticut, a State which did not ratify the eighteenth amendment, Mr. Horace D. Taft, of the Taft School for Boys, Watertown, Conn., says:

> Through the change in public sentiment reasonable observance and enforcement of prohibition are coming in time. It certainly will take many years, and they will be years of great moral and political danger. We can not prevent the completion of the process, but we can shorten or lengthen this unhappy period as we do our duty or refuse to do it. There are two clear, logical answers to the question that comes to every citizen. One is, "I will obey the law and help enforce it." The other is, "Let the country go to the dogs; I am going to have my liquor." Other answers, no matter how honestly used, are the result of clouded vision and twisted logic.

Brief as the time has been, national prohibition has made greater progress than was made in a like period in the States which tried State prohibition. Through increasing control of warehouse liquor, permits for medicinal liquor, supervision of industrial alcohol, halting of rum smuggling, and so forth, for the Federal Government has steadily reduced the sources of supply for the illicit liquor trade.

The observance of law has developed equally with its enforcement. The "forbidden-fruit" fad soon passed. Instead of quoting some observers whose bias toward prohibition might be suspected, I would refer to a nationally known "columnist," O. O. McIntyre, who recently wrote:

> Something is happening to New York's serious drinkers. Even Broadway is tapering off. It may be fear of bad liquor or a sudden moral wave. Whatever it is, the town is experiencing a spell of sobriety that is alarming bootleggers, the poor dears.
>
> The supply is on hand, but takers are skittish. Dinner parties with no liquor are becoming common. A night-club proprietor reports he has not seen a drunk in three weeks. He had been accustomed to "airing" a half dozen a night.
>
> Within a short time I have encountered four men who drank steadily, and rather heavily, who have been on the water wagon for several months.

For a column of space this observer of New York life reports that he has seen the development of the spirit of law observance in the city and among the social group who had been most antagonistic to this law.

(2) The opponents of prohibition have not united on any substitute. The proposals they have made run all the way from 2.75 per cent beer to the Americanization of the Quebec plan, with the Government acting as bartender. Many of the plans suggested have been frankly nullification. Few of them have boldly made the repeal of the eighteenth amendment the first step in their program. No intoxicating beverages can be legalized so long as that remains in the Constitution. But suppose the amendment is repealed, what system do the foes of prohibition suggest as a substitute?

This Nation tried every method of dealing with the liquor traffic that has ever been suggested. From every alternative, except prohibition, she returned to the licensed saloon as the least of the evils experienced. But to-day the foes of prohibition are unanimous in only one thing—that the saloon shall not return. In spite of that insistence, the plans they have suggested would all bring back the saloon in a far worse form than we have ever had it. Calling a saloon a "tavern" or an "inn" does not alter its nature. It was the beer that made the beer saloon and not the name.

Until the foes of the eighteenth amendment unite on some plan as a substitute for prohibition we have nothing offered for our consideration. When such a plan is formulated, if it ever should be, then the Nation is entitled to sufficient time to study that plan and discover its advantages and disadvantages.

If the eighteenth amendment should be resubmitted and if it should be repealed, which I do not believe at all probable, what assurance is there that the minority will obey whatever new law takes its place? The lawlessness of the wet group has been their most distinguishing characteristic. Corruption, theft, forgery, murder, a whole catalogue of crimes, has marked their course since the adoption of this law. There was nothing remarkably novel about this, it is true. As the courts have repeatedly declared, this traffic is a prolific source of crime. But when a nation is asked to alter its laws to oblige an element which violates those laws conspicuously, it has the right to ask pledges of future good conduct. The bootlegger, moonshiner, speak-easy, synthetic gin, split whisky, and the long list of present liquor offenses are the continuation of lawlessness under license. Now, that the Nation is stamping out these evils, what assurance is there, in the conduct of the wet group to-day, that these evils will not be restored to their preprohibition magnitude if the eighteenth amendment is repealed?

Prohibition's success has been so often attested that it hardly seems worth while to repeat the arguments offered in its behalf by health, criminology, business, charity, the church, and so forth. Its foes emphasize its failures. Of course it has failures. Nothing is perfect. Laws are not judged by 100 per cent observance or enforcement.

But a law is successful if it minimizes the evil. There is an irreducible minimum of law violation which seems unavoidable. If the enforcement of any law approaches that, then that law is a success. By that standard, prohibition has been far more successful than many other laws. The bitterness of the campaign waged against it by its foes is an indication of its success. Its friends wish it was even more successful, but its foes appear enraged because it is so effective.

It is the irony of success that in the past seven years so many have forgotten the pit from which the Nation was dug when the eighteenth amendment was ratified. It should be apparent to the most superficial thinker that something radically bad must have stirred the Nation to cause the unprecedented majorities so swiftly given the proposed prohibition amendment. The saloon was then sufficiently close to the people to arouse their disgust and horror. Its finished product was seen on the street, in public places, in public conveyances, in prisoners' dock, the hospital, insane asylum, and almshouse. Everybody knew the terrible evils of the licensed liquor traffic. Even "the trade," so called, apologized for its offensiveness, warned its own membership against lawless conduct, and confessed that it existed only on sufferance.

Saloons grouped on the main streets of towns and cities or occupying strategic positions on country crossroads sold adulterated liquors to those under age as well as to adults, to drunkards as well as to the nearly sober, and created a neighborhood of vice and crime. The gambling room and the brothel were closely connected with the saloon, often occupying the same building and frequently operated by the same persons. Behind the saloon was the brewery, which either owned or controlled it in most cases. Vice and crime commissions branded the liquor traffic as the cause of more social evils than any other factor in society.

The licensed saloon generally ignored the law which ordered it to close on certain days or at certain hours. Its half brother, the speak-easy or blind tiger, existed by the side of the licensed bar. Revenue reports show that in many license cities the speak-easies having only Federal retail liquor licenses were half as numerous as the saloons with the required local license also. No one can accurately estimate the number of such places that had neither Federal nor local license.

Prohibition has not abolished all these evils. But even at its worst it has proven itself infinitely superior to any other method of dealing with the liquor business. It has made a drunken man an unusual and novel sight where once he was a commonplace. It has reduced drunkenness and allied offenses to an amazingly low figure. It has cut crime and juvenile delinquency. It has been the principal cause in the vanishing of the brothel. It has emptied nearly all the delirium tremens wards and drink cures in the country. It has changed the slums that surround the saloon into respectable districts. It has enabled the Salvation Army and other charitable organizations to spend upon constructive work the money once required to care for drunkards and their families.

The economic gains resulting from prohibition are well attested. Prof. Irving Fisher, of Yale, estimates that prohibition added $6,000,000,000 a year to the national income. Herbert Hoover, Secretary of Commerce, has said publicly that prohibition put dollars and cents into the pockets of every person in America. The reports of our savings banks, insurance companies, building and loan associations, automobile makers, and our whole retail trade testify to the widespread and general

distribution of this new prosperity which is made possible by prohibition. A tippling nation, like a tippling individual, is never so prosperous or happy as a sober one.

The health of the Nation has equally registered these benefits of prohibition. We have made the remarkable saving of over a million lives in the past seven years through the reduction of the death rate that accompanied the ban on intoxicants, which lowered the people's resistive powers.

These benefits of prohibition have resulted in a period when the foes of this policy were encouraging its violation and doing all within their power to prevent its full enforcement. They occurred in spite of the handicaps placed on enforcement by its foes. When those handicaps are removed and when prohibition is more free to do its work these gains will be multiplied. But under the worst conditions yet found, prohibition has proven itself far better than the best conditions under any form of license or regulation that has been tried.

There is just one duty in this matter faced by the Nation to-day. The eighteenth amendment is in the Constitution. So long as it is there it must be enforced. The fact that there is an organized resistance to that enforcement is merely one more argument in favor of enforcement. Nations do not surrender to lawless minorities. Those who oppose laws have the right to agitate and organize for their repeal. They do not have any right to counsel their violation. Neither do they have any right, moral or legal, to even suggest that the Constitution be ignored or nullified.

The fact that it will be difficult to repeal the eighteenth amendment does not justify the nullificationists. It does not take any more votes to repeal the amendment than it required to insert it in the Constitution. That amendment was ratified by the vote of both branches of the legislatures of 46 States and by one branch in each of the other 2 States. The opposition will not need that many votes to remove the amendment. Let them carry the two branches of the legislatures in any 36 States and the amendment is doomed.

The whole trouble with the foes of prohibition is that they do not have the votes and can not get them. Their proposals, strategy, and arguments all reveal their numerical and political weakness. They are hopelessly in the minority.

If a minority can compel the majority of the people in any republic or democracy to wink at lawlessness or to bow to nullification of that nation's fundamental law, then another story of national downfall must be written. This land is doomed when outlaws or lawbreakers can dictate to legislators or can blue pencil the laws which punish them. But that day will never come unless the friends of constitutional government forget that vigilance which has made and kept us free.

TWENTY-FIVE YEARS OF CUBA—ITS SILVER ANNIVERSARY AND ITS FUTURE

Mr. BLOOM. Mr. Speaker, I introduced the following concurrent resolution (H. Con. Res. 59), which is as follows:

Whereas on the 20th of May, 1927, 25 years will have elapsed since the inauguration of the Republic of Cuba;

Whereas the great progress made by the Republic of Cuba in its initial quarter century of independence is such as to justify pardonable pride on the part of the United States of America in happily having been privileged to have rendered her share of assistance toward making this condition possible;

Whereas the past is an assurance of the future and may confidently be accepted as signifying that the Republic of Cuba should and will endure to the attainment of a still greater degree of prosperity and of further triumphs in the ideal realms of liberty, right, and justice:

Resolved, That the Congress of the United States of America congratulate the Government and the people of Cuba in their just assumption of the powers, duties, and responsibilities of self-government, based upon the free consent of the governed and the progress attained under such Republic during the last 25 years, and extend their most cordial good wishes for the future prosperity and happiness of the Cuban Republic.

Twenty-five years ago, on May 20, a republic was born out of what had been chaos.

The United States had waged war that that republic might be.

When it was seen that all was well, "Take this gift of independence," said the United States to Cuba, "and guard it as a free people should."

The world looked on and marveled. A prize like the Pearl of the Antilles! Won with blood and then given liberty! There had been nothing like it in the history of the nations before.

It does not seem as if that happened a quarter of a century ago; but it did, on the 20th of May, 1902.

The history of Cuba was one of turbulence throughout much of the period of Spanish rule from the early eighteenth century.

From time to time so-called reforms were instituted, but they were not so much for use as for show.

The final break had long been inevitable. Spanish government in Cuba was out of joint with the times.

There were anti-Spanish riots in 1717. There was an anti-Spanish rising in 1824. There was filibustering in the fifties. There was a dreadful 10 years' war from 1868 to 1878.

Revolutionary societies were perennially busy. Conspiracies were always rife.

At last came the great rebellion, beginning in 1895.

From an early day the people of the United States had shown a friendly interest in the Cubans in their troubles with Spain.

The advisability of the island's annexation by America was discussed in 1825 under President John Quincy Adams. There was a similar popular movement during the Mexican War. President Polk suggested purchase in 1848.

In 1854 the American diplomatic representatives in England, France, and Spain signed the "Ostend manifesto," declaring that the possession of Cuba by a foreign power was a menace to the peace of the United States and proposing a $200,000,000 American offer for it, or its acquisition by force.

President Grant repeatedly tendered America's good offices during the 10 years' war of 1868–1878. He warned that only independence and emancipation could settle the Cuban question and that American intervention in the struggle might be necessary.

As the rebellion of 1895 proceeded American sympathy with the insurrectos waxed steadily keener. Congress again tendered the good offices of the United States, through President Cleveland, and in 1896 both the Republican and Democratic platforms called for action by the Washington Government to end the horrors of the war.

On the night of February 15, 1898, the U. S. battleship *Maine* was blown up in Habana Harbor and 266 of her personnel lost their lives.

In April Spain offered to suspend hostilities preliminary to peace negotiations, with $600,000 to feed the Cubans, who were starving in concentration camps, but the rebels refused.

On April 11 President McKinley asked congressional authority to end the war. On April 19 Congress called on Spain to quit the island and empowered the President to employ the United States military and naval forces to that end; and on April 23 the Chief Executive asked for 125,000 volunteers, subsequently increased to 200,000, plus the Regular Army, 60,000 strong.

April 30 Congress voted that a state of war had existed for nine days.

Thenceforward it was a short war.

Hostilities ended in August, a treaty of peace was signed between the United States and Spain in December, ratification followed early in 1898, and on January 1, 1899, Maj. Gen. John R. Brooke, of the United States Army, took up his duties as first American Military Governor of Cuba.

He found a prostrate country.

A few of the larger cities remained, but otherwise the island was in an utter state of devastation from end to end.

A conservative estimate placed the decrease in population at 12 per cent and the destruction of wealth at two-thirds.

From January 1, 1899, to May 20, 1902, was the period of organization and reconstruction under General Brooke and his successor, Gen. Leonard Wood.

Their essential task was the establishment of "a stable government, capable of maintaining order and observing international obligations," but the development of agriculture and commerce, the upbuilding of schools, the improvement of highways, and the extension of the postal and telegraph systems went on strenuously while the creation of a republican form of government progressed.

So effective were these efforts that May 20, 1902, when General Wood turned over the reins of government to Dr. Thomas Estrada Palma, first duly elected President of Cuba, witnessed an already prosperous island, in striking contrast to conditions of but little more than two short years previously.

My resolution follows the introduction in the senate at Habana of a bill designating the 12 months from May 20 1927, which rounds out the first quarter century of Cuban freedom, to May 20, 1928, as "a year of commemoration of the Republic."

The lapse of 25 years since the Republic was established means, as this bill points out, that all the younger generation of Cubans—

has been born under the protection of republican laws and has felt the beneficent influence of the principles of democracy and of liberty, rightly and amply applied.

The struggles of the Cuban people for liberty have had their most evident justification in the endurance of their Republic, in the faithful application of its institutions, and in the progress attained by their country under the guardianship of their own flag. The sacrifice of their martyrs and the blood of their heroes have likewise received their expected recompense in the establishment of the nation upon a solid basis.

The progress attained in all lines, particularly in economic and political matters, justifies Cuba in looking back with satisfaction upon these 25 years and in declaring that the generations which have governed or have influenced the consolidation of the Republic and the moral formation of the nation have deserved well of the people of Cuba.

In the life of an individual, as in that of a nation, a quarter of a century represents a period of time which generally is commemorated with satisfaction.

The past is an assurance of the future and signifies that the Cuban Republic, free and democratic in internal matters and absolutely sovereign in its foreign affairs, should and will live eternally, through the constant and decisive civic efforts of those who, in successive generations, follow one another in their land of glory and enchantment, maintaining and applying all the principles of progress and civilization.

The conscience of the people of Cuba in recalling the past does not content itself with contemplating the success obtained, but takes inspiration from it to aspire to greater triumphs in the ideal realms of right and justice.

* * * * * * *

General Wood's great triumph was in sanitation, including the stamping out of yellow fever, the scourge of the island in Spanish days.

From a mortality rate of about 26 per 1,000 under Spanish rule, General Wood had brought the percentage down to 14.5 per 1,000 in 1902, a record which the Cuban authorities had improved to 12.98 per 1,000 in 1925–26, making the island one of the healthiest spots in the world, where once it was among the unhealthiest.

General Wood also furnished Cuba with the basic idea for a law to permit the breaking up of the great landed estates held under old Spanish grants, but by such a multiplicity of owners and under conditions of so much confusion that valid transfers of title were practically impossible, greatly retarding development.

General Wood's tenure in office, to be sure, was too brief to permit the working out of a new system which materially improved the situation, but subsequent elaboration of the legislation he initiated has so much clarified matters that earlier difficulties in the way of establishing land ownership have been fully removed, to the great encouragement of agricultural expansion and enterprise. For the realization of General Wood's intended reform the credit goes to more recent Cuban Governments, but the first step was his.

How completely the Cuban people's confidence in the genuineness of America's friendliness had been won was demonstrated by their readiness on all sides to accept the good offices of the United States in settling the one and only difference of opinion among themselves which seriously threatened the island's peace in the first decade of the nineteen hundreds.

Cuba had been so long in a state of guerilla warfare that it was not surprising a class existed in which the habit of insurrection was too strong to be quickly thrown off.

Toward the end of 1906 irregular armed forces began to take the field in opposition to President Palma's government. The rural guard was small and scattered. Militia proved difficult to organize. The President, discouraged, announced his determination to resign, and called on Washington, as by treaty bound, to lend aid in—

the maintenance of a government capable of protecting life, property, and individual liberty.

The State Department did all in its power to persuade President Palma to remain in office, and rushed to Habana a peace commission consisting of Secretary of War Taft and Assistant Secretary of State Bacon.

Appeals to President Palma were in vain. He resigned, with his Vice President and Cabinet, and Cuba was left without a government.

Secretary Taft, perforce, proclaimed one provisionally, with himself as provisioned governor. It would—

be maintained only long enough—

He promised—

to restore order and peace and public confidence, and then to hold such elections as may be necessary to determine those persons upon whom the permanent Government of the Republic should be devolved.

Again the world looked on cynically, with the thought, "This is the end, so far as the Republic of Cuba is concerned."

The Cuban public's general satisfaction, however, was soon shown by the fact that, though the Palma government and the insurgents had had thousands of men under arms, Secretary Taft's simple decree was sufficient to establish the provisional régime without a protest.

The only American force landed was a small squad of marines to act as a treasury guard.

Secretary Taft was soon succeeded as provisional governor by Charles E. Magoon. A new and more satisfactory electoral law was framed. A vigorous but orderly political campaign and a perfectly peaceful election ensued. On January 28, 1909, Gen. Jose Miguel Gomez was inaugurated as Cuba's second President.

With the best of good will on both sides the United States was out of the Cuban Republic again.

Such intervention, however well meant, by a powerful state in the internal affairs of a lesser neighbor would be impossible even to-day anywhere else on earth without arousing the bitterest resentment on the part of the weaker country.

Absolute trust by Cuba in the honesty and disinterestedness of the United States not only made it possible between these two, however, but welcome to the Cubans.

Gen. Enoch H. Crowder later, in 1919, assisted them in effecting various election reforms, subsequently helped to straighten out a tangle in 1921 over Cuba's choice of a President, attended the inauguration of Dr. Alfredo Zayas as Chief Executive in the same year, lent his advice to the Congress in effecting important governmental economies in 1922, and is now the much-liked United States ambasador in Habana.

Even small disagreements between the two Republics have been few and far between, and none ever has reached the point of the slightest ill feeling.

Prolonged delay by the United States Senate to ratify the Hay-Quesada treaty of 1904, confirming Cuba in her title to the Isle of Pines, might have developed into a sore subject with any people less certain than the Cubans of ultimate fair treatment from America.

But the Cubans waited, and in the end their patience was rewarded. In 1925, 21 years after its execution, the treaty was ratified, recognizing Cuba's sovereignty over the island, with due assurances given of coaling and naval stations there for America's purposes and full protection of the rights of the 700 American residents.

Cuba's Government was modeled almost exactly after that of the United States. As a free people the Cubans have accomplished what would seem like the impossible were figures lacking to prove it.

In proportion to the size of their country, the Cubans found themselves, at the end of their last war with Spain, in the midst of a ruin compared with which Europe, at the close of the world conflict, had nothing relatively to complain of. The wreck was almost complete.

Europe at least went into war with vast resources. Though she lost enormously, she had much to draw on. She was not bankrupt from the very beginning. Much of her wealth remained intact at the end.

Cuba, after centuries of Spanish misrule, was in deplorable condition from the very outset. Every foot of the island was swept by the enemy. Everything that could be destroyed was destroyed. The people were not simply on a starvation diet; they starved to death literally. The record of a 12 per cent reduction in population in a few years speaks for itself, as does the record of 60 per cent destruction of the island's wealth.

Cuba's little war—little as great nations reckon war but a titanic struggle for Cuba—is about two and a half times as far behind her as Europe's war is behind Europe.

Comparatively speaking, where is Europe to-day and what are her prospects for the future; where is Cuba and what are her prospects?

Europe is still staggering from the effects of her prodigious effort. It must be some generations before she even recovers, to say nothing of resuming her progress.

Cuba, in two and a half times the same period—a longer time, but not so much longer, counting in years—looks back upon what was, for her, a still more desperate effort, a war to the last man, as only a memory.

Cuba had much more than recovered in the time Europe has had to recover. Since then she has been forging ahead at a rate equaled by no other Latin-American Republic.

She was already rapidly gaining ground during the two-year organization period of American administration of the island, but she counts her resources to-day in figures double and treble those of May 20, 1902, the anniversary of which she is soon to celebrate in honor of her completion of a quarter century of independence.

To calculate Cuba's progress from 1899 would mean little. Colloquially speaking, she started in that year from "scratch." Whatever she gained would have been 100 per cent.

But from a comparison between 1902, the island's independence year, and the years 1924, 1925, and 1926, for which figures are now available, much may be learned.

Not least among the influences which have made for the Republic's development has been the improvement in sanitary conditions already referred to, by which the death rate per 1,000 was reduced from 26 under Spanish rule to 14.5 in 1902 and 12.98 in 1925–26.

Like Panama, where it is agreed the transoceanic canal never could have been finished but for the stamping out of tropical disease, Cuba, though, perhaps, in lesser degree, was kept back by the ravages of fever. It was a dangerous place to visit. Prospective investors knew nothing of its opportunities, for they gave it a wide berth. Its tourist trade, now one of its great sources of revenue, practically did not exist.

In 1903—figures for 1902 are unavailable—41,818 passengers entered the country; in 1924 their number was 159,842.

This does not include immigration, which, amounting to 18,054 in 1903, had reached 46,004 in 1925–26.

Habana's population increased from 264,731 in 1902 to 402,135 in 1926; the entire island's from 1,751,366 in 1902 to 3,365,940 in 1926. Counting the urban districts surrounding Habana, the capital's population can be estimated at more than 500,000. It has been a healthy, steady growth, with none of the characteristics of a boom.

Exports were $64,330,000 in 1902; in 1925, $353,984,156. Imports, $60,584,000 in 1902; in 1925, $297,324,447.

Exports to the United States alone, which were $62,758,000 in 1902–3, were $264,200,470 in 1925. Imports from America, $25,714,000 in 1902, were $187,223,844 in 1925.

With better prices for sugar, upon the market for which Cuba's purchasing power almost entirely depends, the island of to-day would show an even larger foreign trade than these figures indicate. Indeed, it already has shown a larger one. Due to the low sugar level there was a slight falling off in 1925.

Exports and imports in 1923 were, respectively, $421,075,000 and $268,850.

From the United States Cuba imported goods to the value of $29,451,000 in 1903–4, or 58.02 per cent of the island's total imports for that period. In the three-year period 1923–1925 the annual value of imports from America was $189,214,700, a volume in excess of six times more than in 1903–4, representing 66.3 per cent of Cuba's total imports.

Sugar production on the island has almost quintupled in the 25 years preceding the Republic's silver jubilee, having increased from 1,003,873 long tons in 1902–3 to 4,875,540 in 1925–26.

As a result, good authorities say, of conditions brought about in the United States by the war and the growing demand, attributed to the automobile and the growing popularity in America for an outdoor life, for shorter smokes, Cuban cigar production has declined strikingly from 401,861,000 in 1904 to 397,205,155 in 1925. The tobacco crop, however, shows an increase from 55,508,250 pounds in 1902 to 63,000,000 in 1926, the falling off in cigar production having been to some extent offset by larger exports of leaf tobacco.

With Cuba's commercial development there has been a corresponding development of shipping facilities and public utilities of all kinds.

In 1902, 3,840 vessels of a total of 7,846,671 tons visited Cuba from foreign ports. In 1924 the number of vessels was 7,676, representing 24,192,161 tons.

There were 2,604 kilometers, or about 1,735 miles, of public railroads on the island in 1905; in 1926 there were 5,000 kilometers, or approximately 3,330 miles.

Where there were 610 kilometers of public roads or highways in 1906, there were 2,667 kilometers in 1926, or an increase from about 400 to approximately 1,750 miles.

The number of post offices increased from 306 in 1902 to 468 in 1924–25, with the enormous increase in postal revenues from $376,216 in 1902 to $3,000,000 in 1926.

As recently as 1918 there were only 27,331 telephones on the island. In 1926 there were 63,868.

Governmental expenditures and the public debt have increased, as might be expected from the country's expansion along all lines, but in nothing like proportion to the increase in national revenues.

On June 3, 1915, foreign bonds were outstanding to the amount of $61,500,000 and internal bonds to the amount of $14,507,600, or a total of $76,007,600. On September 30, 1926, foreign bonds amounted to $81,551,100 and internal bonds to $11,215,200, or a total of $92,766,300.

The national government's budget for 1904–5 amounted to $17,915,013, which the provincial and municipal governments brought up to a total of $23,926,415. For 1926–27 the national budget's amount was $86,205,494, plus provincial and municipal figures to a total, including all three, of $106,886,221.

As compared with this the national government's revenues of $22,508,397 in 1903–4 had been augmented to $86,500,000 in 1925–26, exclusive of revenues from special taxes for public works.

Customs duties collected, amounting to $14,698,232 in 1902, had reached $44,600,000 in 1925–26.

Cuba's commercial development has been strongly influenced by America.

The country is essentially agricultural, and actual crop production is largely in Cuban hands; but the business of marketing these products, the bulk of them in the United States, has become to a great extent an American function. The fact, for example, that three-quarters of Cuba's premier crop—sugar—is sold in America through the intermediation of American capital is significant of these transactions' importance.

American investments have been pouring into the Republic in increasing volume ever since its establishment.

In 1902 American business houses on the island were the merest handful. To-day only a partial list of them covers five pages of fine print in the literature of the American Chamber of Commerce of Cuba.

The English have important railroad interests, and the Royal Bank of Canada, earlier in the field than American banks, still retains its preeminence in insular finances, though American financial houses are rapidly coming to the front in this latter respect with the expansion of United States trade throughout the country and growing familiarity with its people.

Americans, in short, lead all other foreign nationalities in Cuba as investors and traders with the exception of the Spanish, who are so far intermixed with the Cubans themselves that it is difficult to draw a distinction.

Culturally, by long heritage, Cuba is European rather than American and Latin rather than Anglo-Saxon.

Nevertheless, the large number of young Cubans who have come to the United States to complete their education have been a modifying influence, especially in a political sense.

The well-informed Cuban, in other words, is far better acquainted with American institutions and conditions than is the well-informed American with those in Cuba.

The former knows, in effect, as much as any American of parties, primaries, elections, congressional debates, administration policies, and public men in the United States. The same can not be said of the American's familiarity with Cuba.

At the end of the war of independence Cuban education naturally was at a low ebb.

In 1902–3, following two years of reorganization under American auspices, there were 1,759 public-school houses in the Republic, with 3,673 teachers and 219,544 pupils registered in the primary grades. Of private schools there were scarcely any.

In 1925–26 there were approximately 500 private schools, 1,600 teachers, and 35,000 pupils. Public-school houses numbered 3,664, with 7,205 teachers and an enrollment of 433,200 primary-grade pupils. Figures for the current fiscal year, 1926–27, are unavailable, but it is estimated that the number of pupils registered in the primary public schools has increased by about 30,000, bringing the total enrollment of public and private school pupils up to nearly 500,000.

No exact literacy percentage has been compiled later than 1907, when 56.6 per cent of the Cuban population above 10 years of age were at least able to read. This was as compared with only 36 per cent in 1899, when General Brooke took up the work of organization at the beginning of the period of American military control of the island.

It can not induce serious error—

Says an official report on the subject—

to assume that all children attending school are able to read.

And an estimate based on the increase in the number of pupils in proportion to the population would give Cuba a literacy rate in elementary education equal, at the lowest, to some States in America.

Cubans of vision look forward to a future for their country as perhaps the richest of the world's smaller states.

It has, to begin with, accommodations for a large increase in its present population of 3,365,940.

About 730 miles long and from 22 to 160 miles wide, it covers an area of 41,634 square miles, not including the Isle of Pines

and its numerous adjacent keys, which bring the total up to 44,164 square miles.

It is larger than Portugal, which supports 5,628,610 inhabitants; larger than Holland, which supports 7,212,739; and larger than Belgium, which supports 7,465,782.

It is only a trifle smaller than Pennsylvania, which supports 8,720,017.

It has a little of mountain country and a very little of jungle, but otherwise, agriculturally, it is the richest spot of its size on earth.

In the east the coconut thrives best. In the center is the sugar region par excellence. In the west tobacco is the great crop. Coffee has been developed to a point where it will soon be available for export. Fruit is tropically abundant. The mountains are thickly afforested with rare hardwoods.

The island is an Eden for cattle. In 1902 its herds numbered a little short of 1,000,000 head. Government figures of 1906 put them at 2,579,492. Swine multiply so rapidly that the herdsman finds it difficult to keep his count up to date.

Cubans can not spare their land for livestock, however. It yields too much in more profitable crops.

Offshore are vastly rich fisheries. Cuban sponges are the best in the world.

Without coal or oil and only a little iron the Republic does not promise much industrially, though it is conveniently situated to receive suplies of petroleum cheaply from Tampico, were it not for an import tax which, unwisely, as many Cubans think, the Habana Congress has imposed on this form of fuel from abroad.

It is, however, principally upon agriculture as a source of supply of the raw products of its soil and upon its unique geographical position at the crossroads of most of the shipping lines of the world that far-seeing Cubans depend to build up the national wealth beyond the wildest dreams of those who witnessed their country's start as an independent Republic.

A glance at a map reveals the island's advantages as an international point of exchange and base of commercial deposit.

It is, or can be made, a way station for all shipping up and down the North and South American east coast as well as for shipping from the Atlantic coast of the United States by way of the Panama Canal up and down the South American west coast. It is equally a way station for Panama shipping between United States ports on the Atlantic and Pacific. It is on the main line by way of the canal between Europe and the Orient.

From Melbourne and Christchurch, from Vladivostok and Yokohama and Honolulu, from Seattle and Valparaiso, from Boston and New York, from the River Plate and Rio de Janeiro, from all Scandinavian ports and Hamburg and London, and from Capetown lines of ocean transport converge like the spokes of a wheel upon the hub—Cuba.

How is Cuba adapted to accommodate this traffic?

The island has a coast line of about 2,500 miles.

This line is indented everywhere with magnificent harbors. It has more of them than all the rest of the Latin American maritime countries combined.

Many of these harbors are very large—adequate, some of them, to provide room for the American, the British, and the Japanese navies to lie at anchor within their protection without crowding.

Yet their entrances are almost uniformly narrow—just a strait opening at one end upon the open sea and at the other upon a great land-locked lake of quiet water.

They are deep harbors. In few of them has the dip of a dredge been necessary to enable great ocean-going craft to steam directly up to their piers, with ample room under their keels for safety.

In addition to these bottle-necked havens of refuge from the outside billows, Cuba is surrounded by more than 1,000 keys, which serve as natural breakwaters.

The island is long and narrow. From none of its ports is the haul by rail more than 50 or 60 miles to the farthest point inland.

An agricultural country which, acre for acre, has no equal! A world trading center of incalculable possibilities! A veritable garden spot, visited by 200,000 tourists annually and ever growing in popularity! Guarded from all danger from within and without by the powerful, disinterested friendship of the United States! A prosperous and increasing people! An enlightened, able Government!

Cuba has more than reason for pride in her accomplishments in the last 25 years as she celebrates her silver jubilee; but, unless all signs fail, it is as nothing to the pride with which she will be entitled to look back when she celebrates the golden anniversary of her independence.

The Cuban people have made an auspicious start upon the second quarter century of their country's freedom.

Under the capable and enlightened Presidency of Dr. Gerardo Machado, their present chief executive; with a Congress devoted to the upbuilding of the Republic, both at home and abroad; with a broad program of construction well under way, including a magnificent capitol, modeled much after the historic edifice in Washington, which our own country knows so well; represented in the foreign field by diplomats of the type of Dr. Orestes Ferrara, their distinguished ambassador in the United States, the people of Cuba will go far.

In no respect has President Machado done his countrymen a more notable service than in his admirable choice of their present representative in Washington.

Eminent alike as a student and man of affairs; broad and far-seeing in his grasp of international problems, economic and political; keen to discern the community of interests between his own land and its nearest neighbor and closest friend, to whose capital he is accredited; tactful, sympathetic, and understanding; widely traveled, a linguist, a Pan American of the ideal type, a happier selection than Doctor Ferrara as envoy to this country could not possibly have been made.

The United States looks forward to celebrating her sister Republic's golden anniversary with her in 1952 with the same friendly enthusiasm as that with which she joins in celebration of her silver jubilee to-day.

HOSPITALIZATION FOR WORLD WAR VETERANS

Mr. LUCE. Mr. Speaker, on behalf of the Committee on World War Veterans' Legislation, I move to suspend the rules and pass the bill (H. R. 17157) to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans act, 1924, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in order to provide sufficient hospital and out-patient dispensary facilities to care for the increasing load of mentally afflicted World War veterans and to enable the United States Veterans' Bureau to care for its beneficiaries in Veterans' Bureau hospitals rather than in contract temporary facilities and other institutions, the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, by purchase, replacement, and remodeling, or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities, to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto; vehicles, livestock, furniture, equipment, and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers, and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital plants to be constructed shall be of fireproof construction, and existing plants purchased shall be remodeled to be fireproof, and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President: *Provided, however,* That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds, now owned by the United States, as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the control and jurisdiction of the United States Veterans' Bureau upon the request of the director thereof.

SEC. 2. The construction of new hospitals or dispensaries, or the replacement, extension, alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work, and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable.

SEC. 3. For carrying into effect the preceding paragraphs relating to additional hospitals and out-patients dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $11,000,000, to be immediately available and to remain available until expended. That not to exceed 3 per cent of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in

the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, field-office equipment, and supplies in connection therewith.

SEC. 4. Section 10, paragraph (4) of the World War veterans' act, 1924, as amended, is hereby amended to read as follows:

"In the event Government hospital facilities are insufficient or inadequate the director may contract with State, municipal, or, in exceptional cases, with private hospitals for such medical, surgical, and hospital services and supplies as may be required, and such contracts may be made for a period of not exceeding three years and may be for the use of a ward or other hospital unit or on such other basis as may be in the best interest of the beneficiaries under this act: *Provided*, That the director is hereby authorized and directed to continue to hospitalize in contract hospitals or cottages operated as hospital centers, for such time as hospital treatment may be required, but not to exceed three years from the date of passage of this act, all veterans suffering from tuberculosis who are now hospitalized and who may request that such hospitalization be continued."

SEC. 5. Section 4 of an act to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, approved March 3, 1925, is hereby repealed.

The SPEAKER. Is a second demanded?

Mr. BULWINKLE. Mr. Speaker, I demand a second.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Massachusetts is entitled to 20 minutes and the gentleman from North Carolina to 20 minutes.

Mr. LUCE. Mr. Speaker, with the passage of the years the needs and the probabilities in the matter of hospitalization of veterans of the World War begin to become more clear. The Veterans' Bureau is now operating 51 hospitals, and has at its command 28 other Government-owned hospitals, making a total of 79, which are grouped in general into three classes. The first is that devoted to the treatment of tuberculosis, and here, for reasons tragic and pathetic in the extreme, the demand for hospitalization is steadily decreasing. There is no longer occasion to provide facilities save where those at present in use need replacing or are dangerous because of fire hazard. The second class, that coming under the head of general medical and surgical, also shows a steady drop in the demand for beds, and for the same reasons there is no occasion to provide additional facilities except under conditions of poor construction or fire hazard. The third class, that devoted to neuropsychiatric patients, by which are meant those afflicted with mental disease, presents a different picture. For some reason, which is little understood, the amount of mental disease among the people as a whole is strangely increasing. The men who served in the World War are developing the same phenomenon. There are many veterans afflicted mentally who are yet in the care of their families, of whom we are told by the experts that as they approach the age of 38 or 40 years it will be necessary to give them hospitalization. All of the present facilities of the neuropsychiatric hospitals are sadly tasked. Of course, it is impossible to distribute the load with complete evenness, and, furthermore, there must be certain types of special wards in these hospitals, so that at no time can all of the beds be in use. Taking this into account, it is evident from the figures that instant preparation should be made in this particular.

The system that has been accepted hitherto for provision in these matters consists of study by the medical board of the Veterans' Bureau, which submits its conclusions to a Federal board of hospitalization, created by the Director of the Budget, and designed to advise the President in his approval of the decisions of the bureau. These experts present to us from Congress to Congress a carefully studied construction program. Hitherto it has been the custom of Congress to meet their request with what is called a lump-sum appropriation and to leave to the Veterans' Bureau the task of advising the board of hospitalization, which, in turn, advises the President, as to the allocation of the lump sum thus provided. Of late, at any rate, there has been nothing to indicate or even suggest that the allocation has not been made with regard only to the actual conditions presented by the demand for beds and the probabilities of disease.

Mr. RAGON. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. RAGON. As I understand it, the lump sum in this bill is approximately $11,000,000. Do you base that amount on the recommendations made to you by the Director of the Veterans' Bureau?

Mr. LUCE. Yes.

Mr. RAGON. And then it is incorporated in this lump sum, and then the hospitalization board will recommend to the President the allocations on which you really base the lump sum?

Mr. LUCE. Yes.

Mr. RAGON. And it will work that way?

Mr. LUCE. That has been the custom hitherto, and the allocations appear to have been made accordingly.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. KINDRED. And these suggestions will be made to the President by the Board of Hospitalization purely with reference to the needs of units based on the classification and number of neuropsychiatric diseases within those localities.

Mr. LUCE. Yes. For example, I have before me a table too long to read now, which presents the situation as of the 1st of last January. It shows the number of available beds in each of these 79 hospitals, with the number of compensable patients and noncompensable patients, and that of the empty beds. By this classification it may be seen at a glance what parts of the country need more beds and what classes of disease need more provision.

Mr. KINDRED. One more observation: And the needs for these different classifications must be based, of course, upon a thorough study of the particular needs of one group or the other. To illustrate, the quiet but insane group would need facilities so that they might engage in farming and other occupations, and another group might be violent and require another type of hospital, and they all should be fireproof.

Mr. LUCE. A very thorough analysis of that is made from time to time, which is used as the basis for further recommendation.

Mr. LAGUARDIA. Following up the suggestion of the gentleman from Arkansas [Mr. RAGON], of course when the allocations are made and the appropriation actually made, then the appropriation will be limited to a specific use and to a specific hospital.

Mr. LUCE. No.

Mr. LAGUARDIA. Are we going to appropriate in a lump sum?

Mr. LUCE. That has been the custom in each of the appropriations heretofore made, and the committee after thorough consideration decided it was wise to leave the allocation to the President, acting on the advice of this Federal Hospitalization Board.

Mr. LAGUARDIA. It is the only appropriation we make of that kind.

Mr. LUCE. The general public building bill of late has been a lump-sum authorization.

Mr. LAGUARDIA. Oh, we itemized everything in the appropriation bill which we passed in the House the other day. When the actual appropriation is made, will it not be allocated for a particular purpose and the recommendations made to the Committee on Appropriations, and from that we will know exactly which hospital we are appropriating for?

Mr. LUCE. No. The big hospital appropriations are made in the lump.

Mr. BRIGGS rose.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. LUCE. I think the gentleman from Texas [Mr. BRIGGS] was on his feet first.

Mr. BRIGGS. Does this legislation make provision for any more diagnostic studies in the Veterans' Bureau?

Mr. LUCE. That subject was discussed in connection with the needs at Philadelphia and Atlanta, and possibly at two or three other places. Those are incidental features that we leave to the judgment of the medical board and the Director of the Veterans' Bureau.

Mr. BRIGGS. Do you grant to the Veterans' Bureau funds enough to enable them to do that and establish some diagnostic courses? In my experience with a number of cases I find the veterans have received the greatest amount of benefit from these diagnoses as to the nature of their complaints.

Mr. LUCE. I understood from the testimony that it was desired to do it particularly at two places where large expenditures are contemplated, at Philadelphia and Atlanta.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. KINDRED. It is a fact based upon my personal observation and experience that the ability and qualifications of the physicians who are now responsible for the welfare and diagnoses of the veterans of the World War are such that they have improved constantly as the years have gone by since the legislation constituted them in their respective positions, and that now in every one of the various hospitals for the World War veterans the medical staff as a rule at least is competent, and

competent for the purposes of final differential diagnosis. I say that with certain exceptions that is true.

Mr. LUCE. My judgment from information obtained by the committee through the years since it was created is that the medical staff of the bureau is worthy of the committee's confidence and of that of Congress.

Mr. KINDRED. If Congress will make larger appropriations in order to obtain the very best class of physicians and will give them enough in the way of compensation, the medical staffs in your different hospitals charged with the responsibility of treating the veterans will no doubt be found efficient.

Mr. LUCE. Our committee has tried to impress upon Congress the desirability of creating a medical corps with that end in view, and I hope the gentleman will help us in pushing our views.

Mr. KINDRED. I hope they will go the limit.

Mr. LAGUARDIA. With the salaries paid you can not expect to get very good medical men at this time.

Mr. THATCHER. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. THATCHER. You have had full hearings on the various projects?

Mr. LUCE. We have.

Mr. THATCHER. And in your report you give the judgment of the committee as to how you believe the money should be expended?

Mr. LUCE. Yes.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. JOHNSON of South Dakota. This is the unanimous report of the committee, is it not?

Mr. LUCE. Yes; a unanimous report.

Mr. JOHNSON of South Dakota. There is no objection on the part of anybody who has investigated the entire subject to any provision in the bill?

Mr. LUCE. No.

Mr. RAGON. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. RAGON. I think we are all sympathetic with the purposes suggested by the gentleman from South Dakota. In view of the fact that the committee has allocated and the Veterans' Bureau has allocated a quarter of a million dollars at North Little Rock, for example, for increase of the beds at the insane hospital, it is the purpose of the committee, I think, and that of the Director of the Veterans' Bureau, to make this provision. We go and pass this bill with that understanding. Now, it seems to me when you get to a practical application of this fund of $11,000,000, if the board of hospitalization sees fit to eliminate that item, they can do it, whereas it was the purpose of the committee and of the Veterans' Bureau and of Congress to make that appropriation.

Mr. LUCE. I will take a minute to suggest to the gentleman that the program is, of course, tentative. In the case of the latest previous authorization more than $14,000,000 was asked. We concluded we would allow $10,000,000, and even in the time that has elapsed since then the conditions have so changed that the bureau itself has expressed gratitude that we did not give it the full amount. It would be unfair for me to represent to the House that necessarily the judgment of the committee will prevail and that the present judgment of the Veterans' Bureau will prevail.

It will be a matter of some years before the program can be completed. All the money in the last authorization has not even yet been expended. So the committee leaves open to the Veterans' Bureau and to the hospitalization board and to the President the option to change and modify the program as the circumstances at the time may dictate to be wise and prudent. I should also say, before my time expires, that in one section of the bill we have sought to deviate from the policy heretofore pursued in the matter of the use of contract hospitals, because in the case of certain tuberculous patients now contented with their treatment and greatly anxious to be left where they are, we have extended the time under which contracts may be made with private institutions. This is an act of pure humanity, advised in the hope that the lives of these men may thereby be prolonged, and at any rate, that their comfort and happiness may be considered.

Mr. LAGUARDIA. Does that cover Saranac and Liberty?

Mr. LUCE. Yes. I may take a little more time later on, but I will now yield the floor and ask the gentleman from North Carolina [Mr. BULWINKLE] to proceed.

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BULWINKLE. Mr. Speaker, again the Veterans' Committee comes in its usual manner of bringing bills before the House; that is, under suspension of the rules. At no time in the history of this committee, so far, has the chairman or the majority on the Republican side ever thought it advisable to trust the House with legislation that emanates from this committee. I am voting for this bill. It does not suit me altogether. But under the circumstances it is the best that can be done. The committee reported it out only in the last two or three weeks, and at that time—not to divulge any of the secrets of the committee, but speaking from my own position—I felt that the views of the committee as to where these hospitals should be built should be expressed in the bill.

Two years and more ago I received the assurance of the Director of the Veterans' Bureau that the hospital at Oteen, near Asheville, N. C., would be enlarged; that the temporary buildings in which the patients are now housed would be removed and permanent structures placed there for the comfort of these men. So far, however, nothing has been done, as far a single patient at that hospital is concerned. No new wards have been constructed. The men are in the same old structures built when the war ended. Notwithstanding the fact that such a promise was made, and that an appropriation of $500,000 under the Langley Act is available for the construction of buildings at Oteen, nothing affecting a single patient has been completed. They say a building is being erected which will take care of 150 beds, but the report of the director is that there should be 150 additional beds. Upon these facts the committee, as is well stated in the report, increased this appropriation by $300,000 for the purpose of taking care of an additional 150 beds, making a total of 300 additional beds and 150 under the Langley Act, or 450 in all.

There is another thing I want to point out to you. It was understood that instead of erecting a hospital at Philadelphia it should be divided between the States of New Jersey and Pennsylvania. That there should be constructed in New Jersey a 400-bed hospital for neuropsychiatric cases and in Pennsylvania a 600-bed hospital for neuropsychiatric cases.

Another new proposition which passed this House last year—I do not know whether it has passed the Senate or not—was the building of a neuropsychiatric hospital in Kentucky. This much-needed hospital is expected to be taken care of out of the $11,000,000 appropriation.

Mr. CRISP. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. CRISP. Does this bill contemplate the construction of that hospital in Atlanta, Ga.?

Mr. BULWINKLE. Yes; it contemplates the construction of that hospital in Atlanta, and that is the intention of the committee. It seems to me there has been too little effort made to construct or improve hospitals in any of the Southern States.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. BULWINKLE. Mr. Speaker, I yield myself two additional minutes. In addition to this, the fourth section of the bill takes care of the contract cases where the Government has contracted for the housing and care of tubercular patients at three or four places in the United States for the next three years. That is right and should be done. It would be wrong at this time to take those men away from their environment and their homes, and that was the unanimous report of the committee. [Applause.]

Mr. Speaker, I reserve the balance of my time and yield three minutes to the lady from New Jersey [Mrs. NORTON]. [Applause.]

Mrs. NORTON. Mr. Speaker and gentlemen of the House, as a member of the subcommittee on hospitals of the Veterans' Committee, I wish to say that the committee studied carefully the recommendations and report submitted by General Hines, of the Veterans' Bureau, pertaining to the need of veterans' hospitals, and I sincerely hope this bill will be unanimously passed in order that it may go to the Senate for similar action and work begun by the Veterans' Bureau while Congress is adjourned.

In the report submitted by the committee is a recommendation for a veterans' hospital in New Jersey. New Jersey has none; yet I find that 35 States out of 48 in the United States have a veterans' hospital. California and New York have four, I believe; Massachusetts, Illinois, the States of Washington, Minnesota, and Missouri each have three hospitals. I can fully appreciate, especially in tubercular cases, that locality must be considered and the milder climates recommended for many of

our disabled boys. However, in view of some of the hospital sites in other States, it would seem as if New Jersey has been discriminated against.

At the present time there are approximately 700 veterans of the World War, citizens of New Jersey, under hospitalization by the Veterans' Bureau, divided as follows: Neuropsychiatric cases, 400; tubercular cases, 200; general medical cases, 100.

Of the entire number of mental cases, but about 100 are being cared for in Government hospitals, the remaining number, 300, being assigned by contract to State and county institutions of New Jersey.

In addition to this number there are at least 100 World War veterans with neuropsychiatric disabilities who do not come under the jurisdiction of the Veterans' Bureau, being cared for in various county institutions.

I venture to say also that New Jersey, more than almost any other State in the Union, has taken care of its own problem in regard to the veterans suffering with mental disorders. Out of the 396 neuropsychiatric cases hospitalized by the Veterans' Bureau only 26 are noncompensable cases. This is about 6½ per cent of the total of the neuropsychiatric cases, while some of the States have more than 25 per cent.

On the other hand, the State and county institutions are taking care of about 100 cases, which are in fact Government charges; that is, compensable cases. I have also learned that there are approximately 90 cases who could be hospitalized by the Veterans' Bureau under section 202. This means that instead of shirking a responsibility and placing a State problem in the hands of the Federal Government, as some of the States are doing, our State and county institutions are assuming a heavy expense for Government cases far in excess of the noncompensable cases hospitalized by the Veterans' Bureau.

It seems to me that these figures indicate the fair attitude of our New Jersey people. Institutions for the mentally afflicted are everywhere overcrowded, and this is no less true in our State.

I feel, in addition to all other claims, that the State of New Jersey is an ideal location for a veterans' hospital, situated as it is between the two great metropolises of the East, with every facility in their splendid laboratories for research work; and, further, that the results secured in our own State institutions are indicative of the fact that climatic conditions in New Jersey are exceptionally desirable. [Applause.]

Mr. BULWINKLE. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker and gentlemen of the House, first of all I desire to pay a tribute to my distinguished colleague from Massachusetts [Mr. LUCE], the chairman of the subcommittee on this matter of hospitalization, and to the members of that committee for the fine work they have done on this bill. I am in favor of the bill.

This is the third time I have stood here in the closing days of Congress and uttered my protest against the way veterans' legislation is brought on the floor of the House of Representatives.

I have only two minutes, but in those two minutes I want to say to the Republicans on this side of the House: If you want fair veterans' legislation and if you want to get something done to take care of the disabled veterans of the United States, you should get in touch with the Rules Committee, you should get in touch with your steering committee, and ask them in the name of justice to the service men of the United States to allow the membership of the House of Representatives to come in here and offer amendments to veterans' legislation. If you do not do that, you will never do anything for the disabled men, because during the past four years I have yet to see one bill come in for the veterans except under suspension of the rules, a gag rule which says, "Vote for the whole bill without amendment or vote against the bill." If you are in favor of the veterans and if you want something done for the disabled service men you should do that. I am speaking to the Republican side of the House, because I have had plenty of experience on the Democratic side of the House. The Democrats are always in favor of legislation for the disabled men and have stood 100 per cent for the disabled men of the United States. I am asking you Republicans on this side of the House, if you favor justice for these disabled men, to work on your Rules Committee, work on the steering committee, and ask them to please bring in a bill some day which does not have to be considered under suspension of the rules and give the House of Representatives a chance to legislate for the disabled ex-service men of the United States. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. BULWINKLE. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. VINSON]. [Applause.]

Mr. VINSON of Kentucky. Mr. Speaker, the bill under consideration, H. R. 17157, comes before the House under suspension of rules, which permits of no amendment. It is a blanket authorization bill carrying $11,000,000 for the construction of hospitals and hospital facilities to care for the afflicted World War veterans of this country. The bill directs that they shall be located by the Director of the Veterans' Bureau, subject to the approval of the President.

The committee of the House which reports out this bill had submitted to it the proposed hospital-construction program of the Veterans' Bureau. This program provided for the enlargement of certain hospitals and the replacement of certain other hospitals and did not call for the construction of any new hospital. In the main, the committee has followed the suggestions of the Veterans' Bureau in the recommendations carried in their report. In the case of the hospital at Philadelphia, the committee recommends the construction of a 600-bed institution at this place and a 400-bed hospital in central New Jersey in lieu of the 1,000-bed hospital at Philadelphia. The committee recommends the installation of 400 beds in North Chicago, Ill., and Maywood, Ill., in lieu of 200 and 600 beds, respectively, carried in the suggested program of the bureau. The committee further recommends the addition of 300 beds in the tuberculosis hospital at Oteen, N. C., instead of the 150 beds called for in the suggestion from the bureau. Further, it is recommended by the committee that a neuropsychiatric hospital should be located in the State of Kentucky, with a capacity of 250 beds, at a cost of a million dollars.

It is in connection with the latter recommendation of the committee that I purpose to direct my remarks. The hospital for Kentucky, when constructed, shall be used for neuropsychiatric patients. The present facilities in the central portion of the United States which would be served by the Kentucky institution for the treatment of the mental cases, service connected and otherwise, are wholly inadequate. There are the greater portion of 10 or 12 States in this section which are denied the hospital relief which this Congress and the people of America want given to its stricken soldiery.

According to the hearings, there are approximately 1,800 service connected mental cases in Kentucky, some 190 of which are hospitalized throughout the United States. That means that their compensation folders are withdrawn from their local regional office; that means that their families have less opportunity to visit with and comfort them at times with their presence. The hearings disclose that in Kentucky alone there are some 400 ex-service men who should receive hospitalization for mental and nervous diseases. We feel that this section of our country should not be overlooked and neglected, and at this point permit me to thank the House committee on behalf of the mentally sick soldiers of the area for the recommendatory language which finds itself in the committee report.

I do not affix blame upon the Director of the Veterans' Bureau for the lack of our hospital facilities in the past. He has enormous duties to execute and it would not be fair to charge him with the oversight of this vast region in the central portion of our country until his attention had been called to the conditions.

Permit me to take a concrete illustration of the conditions which prevail in one section of this area, namely, Kentucky: Hospitalization of a neuropsychiatric patient is necessary. Request therefor is made to the bureau. They have told us that for this purpose we may use the hospital at Chillicothe, the Old Soldiers' Home at Marion, Ind., and a colored hospital at Tuskegee, Ala. When we knock at the door of the hospital at Chillicothe, most frequently no facilities are available. When we seek treatment of the veteran at the Old Soldiers' Home at Marion, Ind., no facilities are available. Very few, if any, are found in Tuskegee, Ala. I do not mean by this that no Kentuckians have been hospitalized, but oftentimes it is a long, hard, tedious fight to procure this treatment for a man who has sacrificed his all for country. This condition should not obtain; this Congress does not want it longer to continue.

The scientific authorities inform us that in mental diseases the break for the worse generally comes around the age of 40 years; that many ex-service men who now may be given home treatment will require hospitalization in the next few years. In other words, that the peak of the neuropsychiatric cases connected with the service during the World War has not been reached. The report of the committee states that the peak will not be reached until 1935. It is apparent that Congress should take care of this situation.

The hearings upon this bill show that prior to the reorganization of the Veterans' Bureau the rehabilitation committee strongly urged the construction of a neuropsychiatric hospital in Kentucky. For four years the American Legion in national

convention assembled have strongly urged through petitions to the Director of the Veterans' Bureau the construction of such a hospital in this general area. And at its national convention, Omaha, Nebr. (1925), and Denver, Colo. (1926), it specifically recommended the construction of such hospital in Kentucky. At the last session of Congress the Committee on World War Veterans' Legislation reported favorably a bill introduced by my colleague [Mr. THATCHER], at the request of the National American Legion, authorizing the construction of such hospital. Hearings were held before this action was taken, and hearings have been held in the present session of Congress, and we submit that a case has been made out for Kentucky in this fight to serve the afflicted soldiers of our country.

The hospitals proposed to be enlarged and replaced under the program submitted by the Veterans' Bureau to the House committee provides neuropsychiatric hospital facilities in the following States: Massachusetts, Pennsylvania, Ohio (increase of 200 beds at Chillicothe), Illinois, Minnesota, Colorado, California, Washington, and Arkansas. We respectfully submit that the testimony before the committee conclusively demonstrated that the increase in number of patients that would be cared for at Chillicothe can well be used from territory that more immediately surrounds it, and that the vast area of which Kentucky is the center will not be materially benefited.

At the present time we have before us an authorization of $11,000,000 to provide for hospital facilities. The House committee twice, upon competent authority, has expressed its will that a neuropsychiatric hospital should be constructed in Kentucky. In its report on this bill it specifically recites its recommendation for the construction of this hospital in Kentucky to cost approximately a million dollars.

Some think that the expression of the committee and its recommendation are of no avail, but I can not think that the Director of the Veterans' Bureau or the President of the United States could overlook the will of Congress to construct the hospitals in accordance with t e report. Frankly, I would prefer the allocation to be made by the Congress. I have consistently stood for this principle, but we must take this bill as we find it and pray that the soldiers of the great area which would be served by this neuropsychiatric hospital in Kentucky will not be refused the right to which they are entitled. Undoubtedly their claim for hospitalization will not be denied them longer. [Applause.]

Mr. BULWINKLE. Mr. Speaker, I yield one minute to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, I regret that the committee decided to defer action on the request for additional hospital facilities at the Fort Snelling Hospital until after the opening of the institution. This, of course, means that no action can be taken regardless of the demand until Congress reconvenes next winter. I want to say that the evidence now shows that with every available bed occupied in the tubercular division at the opening on the 1st of April that they will not begin to take care of the tubercular patients requiring hospital care. The present tubercular hospital—Asbury Hospital in Minneapolis—will have to be retained. This, the director admits. It is highly important that the construction of greater facilities be commenced very soon. I hope when Congress reconvenes that prompt action will be taken by the committee in investigating the then needs. Unless the situation changes materially—and there is no reason why it should—an additional building should be authorized and construction started immediately.

Mr. BULWINKLE. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. WEAVER].

Mr. WEAVER. Of course, I have a very great interest in this bill because of its entire purpose to take care of all the disabled veterans of our country. I saw them marched away to war, and since those days there has been nothing I have felt was too good for them when they have come back to us. Especially is this true of those who are now diseased and in need of hospital treatment because of their service to their country.

Oteen, however, is in my district, and is directly involved in this bill. I live at Asheville, N. C., near which the Oteen Hospital is situated. I would like to see all of you come down there sometime and see what a splendid country we have and how this beautiful hospital is located. It has already done great service for the disabled veterans of the World War. In point of money there has been appropriated and expended at Oteen in the last four or five years about $160,000. This money has been used for the installation of a water system, for the building of a dietary kitchen, and other necessary work in connection with the hospital. There is now available under the last appropriation the sum of $500,000, which is to be used by the Veterans' Bureau in the construction of an administration building, and other permanent buildings necessary to provide about 150 beds for the soldiers.

It is the purpose of the bureau and of this legislation to get rid of the old and dilapidated structures and to create a comfortable and permanent hospital for these soldiers. Under the present bill of a total of $11,000,000 there is to be expended some $600,000 or more in order to provide 300 additional beds and to provide permanent and fireproof buildings for these soldiers. I am anxious to see this money expended for the benefit and comfort of the soldier himself. I know that it is necessary to provide quarters for the medical officers, for an administration building, and for other purposes of this kind; but I am extremely anxious and shall urge that this money be expended to provide rooms and quarters for the soldiers themselves, who have broken down from the trials and hardships of war.

I feel that we have no higher duty to perform, and it is my earnest desire to see this bill passed to take care of these soldiers and veterans throughout the whole country who would be provided for in this bill, and to insure their personal comfort and their rehabilitation in health if it is possible. It is not in any sense a local matter, for the soldiers who come to this hospital come from all parts of the United States, and I have been informed by the authorities of the Veterans' Bureau that it is their purpose to bring this hospital at Oteen to the status of a 500-bed institution, and that it is to be a permanent establishment of the bureau with all the benefits that it may bring to the diseased and disabled men of the late war. I trust very much that the House will promptly pass it.

Mr. BULWINKLE. Mr. Speaker, I yield one minute to the gentleman from California [Mr. LINEBERGER].

Mr. LINEBERGER. Mr. Speaker, I ask unanimous consent to speak out of order during the time allotted to me.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LINEBERGER. Mr. Speaker and gentlemen of the House, I am, of course, in favor of the committee bill which is now before the House, but I have risen on this occasion in order to seek permission to place in the RECORD an analysis of the report on the proposed public-building project which was recently before the House in connection with the allotment of the $100,000,000 appropriation for a five-year building program to cover the entire country.

I therefore ask permission to revise and extend my remarks on that subject by inserting the analysis which I have prepared and to which I direct the attention of the Members and the officials of the Treasury and Post Office Departments.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. LUCE. Simply for the orderly reading of what has been said on this matter, will the gentleman modify his request so that it shall be inserted at the close of the debate?

Mr. LINEBERGER. Yes. I shall be glad to do so with the understanding that the remarks and data referred to will be inserted at the close of the debate on this subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. BULWINKLE. Mr. Speaker, I yield the balance of the time to the gentleman from Tennessee [Mr. BROWNING].

Mr. BROWNING. Mr. Speaker and gentlemen of the House, as a member of the subcommittee I can state we conducted exhaustive hearings on this question. The committee recommended in its report what we thought should be done with this money. The report, however, very feebly, in my opinion, expresses the attitude of the committee on the subject.

In addition to the program submitted by the Veterans' Bureau, the committee thought it wise to recommend that a $1,000,000 neuropsychiatric hospital be placed in Kentucky, and an additional amount be given to the Oteen hospital of $300,000 above the recommendation of the bureau; also that the hospital at Philadelphia be divided between that place and New Jersey, as well as some other matters.

I think the committee itself should have allocated this money and placed provisions to that effect in the bill when we brought it in, although a majority of the committee disagreed with me. As one member of the committee I want to state here and now that unless the present needs of such places as Kentucky, which absolutely made out its case, and Oteen, N. C., which absolutely made out its case, and New Jersey, which presented a complete case, largely through the able and graceful, but persistent, efforts of the lady from that State [Mrs. NORTON], are observed by the bureau and the board that is to recommend to the President on this construction, I for one expect to

exhaust every legitimate means in my power the next time to tell this bureau or any other bureau of this Government where the money is to go when we appropriate it.

I think we have made a mistake in not allocating it in this instance as well as in every other instance, because the members of this committee, I happen to know, have the interest of these men at heart, and have made just as exhaustive a study, practically, as the bureau itself, and I think they are better qualified than anybody to say where this money should be spent. In reply to the gentleman from Arkansas [Mr. RAGON], it is true that there is nothing binding on the President in regard to location, but I want to ask him if it is not time, if our recommendation as a committee is ignored, to place every item in every bill with reference to the construction of hospitals?

Mr. RAGON. I will certainly join in that.

Mr. BROWNING. The example given by the gentleman from North Carolina in reference to the building at Oteen, which has been neglected, is a flagrant example of how the bureau has ignored the committee in this regard. I for one had rather place them where they belong and take the responsibility. I have no personal interest to serve. But I do have these sick men on my heart. [Applause.]

Mr. LUCE. Mr. Speaker, it has been manifested that the committee is unanimously in favor of this bill. With reference to the remarks of my colleague from Massachusetts [Mr. CONNERY], while thanking him for his gracious personal reference, I would call his attention to the fact that the committee has been remarkably harmonious ever since its creation, and that its record for achievement for the benefit of the World War veterans does not warrant the implication in his statement, doubtless not deliberately considered, that we have done nothing for them. He has shared with the rest of the committee in what seems to me to have been a most creditable and most remarkable achievement of service to the veterans of the World War, and I thank him for his part in what the committee and Congress has accomplished.

Mr. CONNERY. Will the gentleman yield?

Mr. LUCE. I have just 45 seconds left in which I ask unanimous consent to extend my remarks in the RECORD by including the report of the committee, a carefully prepared statement, which will be of interest to all veterans of the World War.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The report is as follows:

[House Rept. No. 2133, 69th Cong., 2d sess.]

ADDITIONAL HOSPITAL AND OUT-PATIENT DISPENSARY FACILITIES FOR WORLD WAR VETERANS

Mr. LUCE, from the Committee on World War Veterans' Legislation, submitted the following report to accompany H. R. 17157:

The Veterans' Bureau owns or controls 51 hospitals and it has at its command part of the facilities of 28 other Government hospitals, a total of 79, grouped in general as follows, although there are a few hospitals serving more than one class of patients.

TUBERCULOSIS

For the treatment of tuberculosis there are 27 hospitals, which on the 1st of January were reported as having 9,821 available beds, of which 7,005 were occupied, leaving 2,816 vacant. In the matter of this disease the hospital load is steadily falling, and there would appear no occasion to make further provision for it, except so far as replacement of facilities may be required on account of poor condition or fire hazard.

GENERAL MEDICAL AND SURGICAL

For the treatment of disease under this heading there are 33 hospitals, which on the 1st of January had 11,830 beds available, of which 6,196 were occupied, leaving 5,634 available. The hospital load in this particular bids fair to fall, so that here, too, for the same reason there is no occasion for further provision.

NEUROPSYCHIATRIC

There are 19 hospitals used for men suffering from mental diseases, with 10,022 beds available January 1, of which 9,123 were occupied. In view of the fact that there must be differing facilities for differing types of mental diseases and that it is never possible to adjust the total demand precisely to the total supply, the margin of vacant beds is at the moment clearly insufficient. Furthermore, the need for additional beds seems sure to grow by reason of the fact that experience with mental diseases in civil life shows that when men who are mildly afflicted approach the age of 40 they are likely to break down in larger numbers and require hospitalization. There are thousands of men who are receiving compensation from the bureau for mental ailments, but can still be cared for in their homes, who within 5 or 10 years will require institutional treatment. It is not likely that the peak of the neuropsychiatric load will be reached before 1935. In view, therefore, of the present situation, with overcrowding already unfortunately prevalent in a good part of the hospitals and the virtual certainty of large increase in the requirements, it seems imperative to make further provision.

This being the general situation, the Veterans' Bureau submitted to your committee a construction program contemplating a total additional expenditure of $10,300,000.

Proposed hospital construction program of the United States Veterans' Bureau

Location	Beds		Estimated cost	Purpose
	Number	Type		
Bedford, Mass	200	Neuropsychiatric	$350,000	To augment the 300 beds to be acquired from funds provided by the fourth construction act.
Philadelphia, Pa	1,000	do	3,500,000	To replace the present structurally unsuitable facilities and permit the absorption of patients now in contract hospitals in Pennsylvania as well as certain of the cases in State institutions in New Jersey.
Oteen, N. C	150	Tuberculosis	300,000	Replacement of temporary facilities to extend this hospital to 500 permanent beds.
Atlanta, Ga	400	General	1,600,000	To enlarge this hospital to accommodate the entire general load in the Southeastern States and thereby permit the immediate closing of Lake City, and the eventual closing of Algiers, La., as well as to provide facilities for the regional office.
Gulfport, Miss			100,000	Officers' quarters, nurses' and attendants' buildings.
Chillicothe, Ohio	200	Neuropsychiatric	500,000	To increase the capacity of this hospital from 452 to 652 beds and also erect quarters for personnel.
North Chicago, Ill	200	do	800,000	To enlarge this hospital to 736 beds and also erect utility buildings and adequate quarters for personnel.
Maywood, Ill	600	do	1,500,000	To erect quarters for personnel and thereby permit the utilization of the space thus evacuated for additional psychotic beds.
St. Cloud, Minn	100	do	250,000	To increase the capacity of this hospital from 327 to 427 beds.
Fort Lyon, Colo	300	do	600,000	To erect permanent wards for psychotic cases. The use of the present buildings for personnel quarters and station utilities can be continued.
Palo Alto, Calif	100	do	150,000	To erect 100 additional psychotic beds; 100 of the 322 additional beds now under construction at this hospital are to be used as observation beds in connection with the diagnostic clinic.
American Lake, Wash.	100	do	160,000	To increase the capacity of this hospital from 360 to 460 beds.
Walla Walla, Wash.	100	Tuberculosis	250,000	To erect a new infirmary building to replace the present facilities which are unsuitable for such purpose.
North Little Rock, Ark.	100	Neuropsychiatric	250,000	To erect a new building for acute psychotic cases.
Total	3,550		10,310,000	

In previous bills authorizing hospital construction it has been the uniform practice to designate a lump sum, putting its distribution in the control of the director of the bureau, subject to the approval of the President. In order that the President might be properly advised in passing judgment upon the recommendations of the bureau, there was created by Circular 44 of the Bureau of the Budget, at his request, the Federal Board of Hospitalization, made up of the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service, the Director of the Veterans' Bureau, the president of the Board of Managers of the Soldiers' Homes, the superin-

tendent of St. Elizabeths Hospital, and the Commissioner of the Indian Bureau. In practice the medical division of the bureau has consulted with this board in the making up of a construction program. Your committee, therefore, had at its command what may be assumed to be a well-considered conclusion reached with due regard to the needs of all classes of patients and all parts of the country.

In the building of hospitals it has not been the custom to pay attention to State lines but to allocate the appropriations with regard to regional conditions and needs. Manifestly, it would be exceedingly and needlessly expensive to provide each State with one of each of the three kinds of hospitals. Furthermore, in view of the great differences in the size of States such a policy would result in equally great discriminations. Your committee has not thought it best to encourage departure from the policy of placing hospitals where they may most equitably meet population needs as well as the convenience of patients and their friends.

Your committee has not thought it best to deviate from the policy of leaving the allocation of the appropriations to the President under the conditions set forth above. It could not, however, determine the total of the amount of expenditure to be authorized without considering the details of the program. All the bureau proposals in the matter of neuropsychiatric hospitals met its approval, save that in the judgment of the committee it would be better instead of a 1,000-bed hospital in or near Philadelphia, to have two hospitals, one of 600 beds in or near Philadelphia and the other of 400 beds somewhere in central New Jersey; and instead of providing 200 beds at North Chicago and 600 at Maywood, it would be better to put 400 in each place. Your committee so recommends.

The only proposals of the bureau in the matter of tuberculosis hospitals were for 100 beds at Walla Walla, Wash., and 150 at Oteen, N. C. Members of the committee having personal acquaintance with the structural conditions at Oteen believed them open to severe criticism, and your committee recommends that the bureau provide 300 beds instead of 150, replacing unsuitable accommodations.

The only bureau proposal in the matter of general medical and surgical facilities is for a new hospital at Atlanta having 400 beds, the purpose being to concentrate at that point the bureau hospital activities which are at command of several of the Southern States, permitting eventually the abandonment of some that are for one reason or another undesirable. The bureau estimated the cost of the new Atlanta hospital at $1,600,000, but the director is of the belief that it can be built for less than $1,000,000 if it may be placed on the Government ground at Fort McPherson, a few miles from the center of Atlanta. Also there would be salvage of $350,000 or more by the sale of land now occupied by the Atlanta hospital. In accordance with the present policy of the Committee on Appropriations such salvage should be covered into the Treasury, but it may fairly be taken into account as lessening by so much the apparent total of the appropriation. Likewise, in considering the total of expenditure for hospitals, there may be taken into account an item of $350,000 appropriated by the Sixty-eighth Congress for a training school for the blind, which it has not been found necessary to expend and which will be covered into the Treasury.

Representations as to the need of a new neuropsychiatric hospital in the area of which the center would be found to be in Kentucky led the committee last year to recommend appropriation for it in a bill that is now on the calendar, contemplating the erection of a 250-bed hospital. Adding this estimate of a million dollars for Kentucky to the bureau program, together with the 150 beds additional at Oteen, as well as provision for the construction of a nurses' convalescent home in Washington, which the committee recommends, and subtracting the saving probable at Atlanta, gives a total estimated cost of very close to $11,000,000, and accordingly your committee recommends the passage of H. R. 17157, authorizing appropriation of that amount.

In addition to approval of the bureau program, there were recommended to your committee by the spokesmen for the American Legion and other organizations of veterans sundry items of construction which are not contemplated in this total and concerning which it is reasonable that some explanation should be given. The situation in northern Ohio has very recently been met by the decision of the Public Health Service to build a new hospital there, which will be made large enough to meet the needs of the Veterans' Bureau. It seemed prudent to defer response to the request for additional beds at Fort Snelling, Minn., until the need might be disclosed after the occupancy of the new hospital there, which is soon to be thrown open. At Knoxville, Iowa, a rearrangement of the facilities has not only met the local need but promises somewhat to relieve the load at North Little Rock, Ark. In view of the facilities in adjacent States that now serve Nebraska, together with the general superabundance of tuberculosis and general medical and surgical facilities, the committee did not feel justified in recommending the desired three-unit hospital for that State. This superabundance of facilities also made it seem to the committee inexpedient to grant sundry other requests.

Until recently it has been the practically unanimous wish on the part of all taking an active interest in the welfare of the disabled veterans that the Government should, as rapidly as possible, hospitalize them in its own institutions. To that end legislation has looked to abandoning the use of contract hospitals as rapidly as possible. Of late, however, it has become manifest in the case of sufferers from tuberculosis that hardship and possibly shortening of life may result from disturbing accustomed and accepted living conditions. In the treatment of this disease contentment and peace of mind are important factors. Pathetic appeals have moved your committee to conclude that in this particular an exception may humanely be made for at least that time in the course of which the wise permanent policy may become clearer, and so it is recommended that in the case of men suffering from tuberculosis the requirement for removal from contract hospitals, where Government-owned facilities are available, shall be postponed for three years.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to suspend the rules and pass the bill.

The question was taken, and the vote was unanimously in favor of the passage of the bill.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AN ANALYSIS OF THE REPORT ON PROPOSED PUBLIC BUILDING PROJECTS (H. DOC. NO. 651)

Mr. LINEBERGER. Mr. Speaker, with reference to the public buildings bill which passed last spring and the reports which have recently been made by those officials of the Government charged with the investigations of public buildings throughout the United States, I wish to call attention to certain features of that report which to me seem significant.

There are only seven States in the Union which have within their borders more than 75 cities which show postal receipts in excess of $20,000 per year. In five of those States there is a comparatively small percentage of public buildings, and I wish to call your attention to this:

States	Total cities with postal receipts over $20,000	Number of cities having Federal buildings	Percentage of Federal buildings to total number
Pennsylvania	157	63	40.1
New York	149	50	33.6
Illinois	118	67	56.8
Ohio	107	48	44.8
California	100	18	18
New Jersey	77	17	22.1
Texas	77	54	70.1

In this connection, also, let me call your attention to another table showing those States which have less than 50 per cent of their post offices whose Federal receipts show an excess of $20,000 which have Federal buildings.

States	Total number of cities	Number having Federal buildings	Percentage of Federal buildings to total number
California	100	18	18
New Jersey	77	17	22.1
Nevada	3	1	33.3
New York	149	50	33.6
Arizona	11	4	36.3
Oklahoma	41	26	36.5
Florida	43	16	37.2
Pennsylvania	157	63	40.1
Ohio	107	48	44.8
Massachusetts	74	33	45.9
Washington	23	11	47.8

As a matter of further information, let me insert here the balance of that table of percentages arranged in the same order:

States	Total number of cities	Number having Federal buildings	Percentage of Federal buildings to total number
Idaho	12	6	50
Colorado	22	11	50
Oregon	22	11	50
Connecticut	37	19	51.4
Maryland	13	7	53.8
Wisconsin	64	35	54.7
Illinois	118	67	56.8
New Hampshire	17	10	58.8
Indiana	74	44	59
Minnesota	42	25	59.5
West Virginia	23	14	60.9
Michigan	70	43	61.4
Montana	13	8	61.5

States	Total number of cities	Number having Federal buildings	Percentage of Federal buildings to total number
New Mexico	8	5	62.5
Vermont	14	9	64.3
Kansas	46	32	69.6
Texas	77	54	70.1
Iowa	55	39	70.9
Delaware	4	3	75
Arkansas	20	15	75
Kentucky	32	24	75
Maine	24	19	79.1
North Carolina	39	31	79.5
Missouri	38	31	81.6
Nebraska	22	18	81.8
Louisiana	18	15	83.3
Utah	6	5	83.3
Wyoming	6	5	83.3
Alabama	20	17	85
Georgia	34	29	85.3
Rhode Island	7	6	85.7
South Dakota	15	13	86.7
Tennessee	25	23	92
Mississippi	21	20	92.2
Virginia	31	29	93.5
South Carolina	17	16	94.1
North Dakota	10	10	100

The fact that California heads the entire list with only 18 per cent in Federal buildings is not a matter of pride to those of us who come from that State. We take pride, however, in the fact that our time has been devoted largely to securing legislation of benefit to the entire United States rather than concentrating or devoting any great amount of time to securing appropriations for local projects, and in this we have the satisfaction of knowing that we have contributed our full measure of service to the country at large.

That California has fewer public buildings in proportion to its needs is a matter which should call for the warm cooperation and assistance of every Member of Congress, whether East, West, North, or South, for there is no State in the Union which has contributed more to the wealth of the country, I venture to say, than has the State which I have had the honor to represent here for the past six years.

These figures and statistics are not mine. They are compiled by those departments which have the official reports at their disposal, and I can only hope that there will be no question whatsoever, now or in the future, regarding the needs of California until our State has been given more nearly the fair and equal treatment to which she, with her sister States, is entitled.

NEW VETERANS' BUREAU HOSPITALS

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker, and Members of the House, I am supporting and voting for H. R. 17157, entitled:

A bill to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended.

The reasons for increasing present Veterans' Bureau hospital facilities and new hospitals are set forth in the report of the House Committee on World War Veterans' Legislation. The rapidly increasing number of mental and nervous cases, known as neuropsychiatric cases, makes the work of providing such increased facilities and new hospitals a most imperative one. The bill carries a lump-sum authorization of $11,000,000, to be expended for the indicated purposes by the Director of the United States Veterans' Bureau, subject to the approval of the President. Following the policy of Congress heretofore observed in such matters, no allocations of this fund are made in the bill itself; but the committee, after conducting exhaustive hearings on the bill, and the hospital needs and projects involved, and with the desire to show how its conclusions were reached, embodied in its unanimous report favoring the passage of the bill, specific recommendations as to how allocations of the funds authorized by the bill should be made.

If it should be said that these recommendations will not be legally binding on the Director of the Veterans' Bureau, I would suggest that they are nevertheless morally binding in the strongest manner possible, and if these recommendations should be disregarded, I believe that it will be very difficult in the future to secure the enactment of any hospital bill unless the specific allocations are made in the bill. The House committee accepted the specific recommendations made by the Veterans' Bureau touching additional hospital facilities needed, and, in addition, after full hearings thereon, added two or three other hospital projects and increased the total recommended for the projects proposed by the Veterans' Bureau to $11,000,000, so that both the specific projects of the bureau and those others found by the committee to be necessary might be provided for.

I have every reason to believe that the director will undertake to follow the recommendations of the committee. Had the committee made these recommendations in the absence of the elaborate hearings which were conducted by the committee, the situation might be different; but the committee has acted, after careful and exhaustive consideration of the whole subject, and it is difficult to believe that in the light of the condition thus presented the administrative officers intrusted with authority to carry the provisions of the measure into effect would undertake by any evasion or subterfuge to ignore the manifest desire and policy of the Congress as embodied in the enactment of this bill, based as it is on the report of the committee and the committee's specific findings and recommendations. The actual potential power in such matters as these is with Congress, and when Congress expresses its will, that will should be, and is expected to be, controlling.

I do not have first-hand information concerning the additional hospital facilities needed for World War veterans outside of my own State of Kentucky; though I can well understand that in various portions of the country there are such needs. I do have actual knowledge, however, of the urgent need for such facilities in the State of Kentucky.

The testimony of those in position to know the subject intimately, is to the effect that more than 1,500 compensable neuropsychiatric cases in Kentucky can not be hospitalized because of the utter lack of existing facilities. In Kentucky there are no Federal hospital facilities for this ever-increasing number of neuropsychiatric cases. The Veterans' Bureau Hospital at Chillicothe, Ohio, is the nearest institution where neuropsychiatric cases arising in the Kentucky section may be hospitalized; but the fact is that at Chillicothe there are not any actual available facilities, as ex-service men in Kentucky constantly find to be the case; and even when 200 beds are added there, as contemplated in this measure, these added facilities will be immediately absorbed by local demands, and no relief will be afforded Kentucky veterans.

At the last session I introduced House bill 10398 to authorize the erection of a 250-bed Veterans' Bureau hospital in Kentucky for neuropsychiatric and general medical and surgical cases, at a cost of $1,125,000. This measure was backed by the Kentucky and National American Legion organizations. A hearing was held on this bill by the House Committee on World War Veterans' Legislation. In addition to my own appearance in behalf of that measure there also appeared Col. James D. Sory, State service officer, American Legion, for Kentucky; Gen. Ellerbe W. Carter, of Louisville, Ky.; Capt. Watson B. Miller, chairman national rehabilitation committee of the National Organization of the American Legion; and other Legion representatives. We presented to the committee such an array of facts, that the committee unanimously reported the bill favorably, and it has since remained on the calendar of the House awaiting consideration.

When the pending omnibus hospital bill, H. R. 17157, was prepared during the present session I urged that there be included therein a sufficient sum to cover the cost of the Kentucky hospital named in my separate bill. The representatives of the national organization of the Legion joined in this suggestion, and thereupon the committee gave us another hearing touching this proposed hospital.

Testimony was again given before the committee by Colonel Sory and myself in behalf of the project; and Capt. Allen E. Denton, of Stearns, Ky., past commander of the American Legion in Kentucky, also appeared with us, as did, also, Capt. Watson B. Miller, representing the National American Legion.

We thus again submitted the facts and figures on which our claim for a new Kentucky hospital was based; and again the committee acted favorably on the matter. Signed statements from various members of the Kentucky and Tennessee delegations in Congress were presented to the committee in the same behalf. The printed hearings on H. R. 15633 (which was superseded by H. R. 17157), set forth all the testimony adduced at the last session on the Thatcher bill (H. R. 10398), and, at this session, on the omnibus bill now under consideration. In these printed hearings there will, therefore, be found the testimony and data upon which the committee has based its favorable report on the pending bill providing for an authorization of $11,000,000 for new hospital construction, of which the committee, in its report, recommends, and includes within the total authorization of the bill, the sum of $1,000,000 for a new neuropsychiatric hospital in Kentucky,

The committee in its report in this omnibus measure, in addition to recommending the various items of the original Veterans' Bureau program, specifically recommended the proposed Kentucky hospital, as just stated; also additional facilities at the tuberculosis hospital at Oteen, N. C., a hospital in New Jersey, and one or two other items. The specific recommendation as to the Kentucky hospital follows:

Representations as to the need of a new neuropsychiatric hospital in the area of which the center would be found to be in Kentucky led the committee last year to recommend appropriation for it in a bill that is now on the calendar, contemplating the erection of a 250-bed hospital. Adding this estimate of a million dollars for Kentucky to the bureau program, together with the 150 beds additional at Oteen, as well as provision for the construction of a nurses' convalescent home in Washington, which the committee recommends, and subtracting the saving probable at Atlanta gives a total estimated cost of very close to $11,000,000, and accordingly your committee recommends the passage of H. R. 17157, authorizing appropriation of that amount.

In view of this second favorable action by the committee touching the proposed new hospital in Kentucky, and after further conference with the Director of the Veterans' Bureau, I deem it unnecessary to press further H. R. 10398, and shall not do so. The omnibus measure is intended to take care of the Kentucky hospital, and if enacted should fully meet the Kentucky situation. Further official data indicate that $1,000,000 should be sufficient to construct in Kentucky the proposed neuropsychiatric hospital, with a capacity of 250 to 300 beds. The Kentucky hospital project under the terms of the bill H. R. 17157 and report thereon is of equal dignity with all and each of the other projects named in the report.

As the testimony at the hearings indicated, not only will the proposed hospital in Kentucky serve nervous and mental cases arising in Kentucky, but will also serve those arising in southern Indiana, Ohio, and Illinois, as well as those coming from other States adjacent to Kentucky—east, west, and south. Particularly will the State of Tennessee be served. As shown at the hearings, Kentucky stands in the center of a vast area that is now without adequate neuropsychiatric hospital facilities. Thus 10 or more States will be served, more or less, by the proposed Kentucky hospital. At present this great section must depend for neuropsychiatric facilities on the hospital at Chillicothe, in the northeast; upon a hospital in southeast Georgia; upon another at Gulfport, Miss.; on another in Arkansas; and on Chicago. This simple statement of fact shows the urgent need of a hospital to be located in Kentucky. For the reasons I am now urging, the National American Legion four times has gone on record in favor of the construction and operation of the proposed hospital in Kentucky.

My distinguished colleague, Representative BROWNING, of Tennessee, a member of the committee, in his speech in behalf of this bill (H. R. 17157) in the House to-day spoke with great emphasis of the need for this Kentucky hospital, and stated that the case for the hospital had been fully made out before the committee; in fact, had been made out as well, or better, than the claim of any other hospital project which had received the committee's consideration at these hearings.

Other members of the committee have informally expressed the same views, and the collective judgment of the committee, touching the Kentucky hospital, is embodied in the report and the pending omnibus bill.

In conclusion, let me urge the great need for these additional hospital facilities. There can be no disagreement touching the duty of Congress to provide, and to provide promptly, the ways and means for the hospitalization of those who have been brought to physical and mental distress by reason of their service for country and flag in time of the Nation's peril. We can in no wise afford to be niggardly in matters of such sacred import, and by following up the enactment of this authorization measure by making, at once, the appropriations necessary to carry out the work of providing the additional hospital facilities thus authorized, we shall be doing—measurably at least—our duty in the premises. The Congress must fix the policies involved; the administrative officers of the Government must carry out these policies.

Mr. Speaker, I believe the additional facilities thus proposed for the country at large are urgently needed. I know that facilities are urgently needed in Kentucky, and for the adjacent sections to be served by the proposed hospital in Kentucky. In time of war the State of Kentucky never fails to do her full duty in the furnishing of men and women and money to serve the Nation's cause. The volunteer spirit of Kentucky is excelled by no other Commonwealth of the Union. We are asking this new hospital for Kentucky veterans, and for the veterans of contiguous sections, and we rest our claims upon the record we have made before the committee, which twice has heard the case for this hospital, and twice has emphatically given its approval thereto.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill S. 3170 with an amendment.

The SPEAKER. The Clerk will report the bill (S. 3170) to provide compensation for disability or death resulting from injury to employees in certain maritime employments and for other purposes, as amended.

The Clerk began the reading of the bill.

Mr. O'CONNELL of New York. Mr. Speaker, I ask that the further reading of the bill may be dispensed with.

Mr. BANKHEAD. Mr. Speaker, we have had great difficulty in securing copies of the amendment. The copies of the amendment are not available in the document room and there are no copies at the desk. Where can we secure a copy of this proposition?

Mr. GRAHAM. There are copies of the amendment. They have been printed by the committee and they are under the charge of the officials of the House.

Mr. BLAND. Is the amendment offered by the gentleman from Pennsylvania in the identical language of the confidential committee amendment in all respects?

Mr. GRAHAM. With the exception of two lines making clear that the seamen have been taken out.

Mr. BLAND. Can the gentleman give us the change in those two places where it differs from the confidential press; if not, I shall have to object.

Mr. GRAHAM. The gentleman can not object; I have made a motion.

Mr. LAGUARDIA. The gentleman has moved to suspend the rules and is the Clerk reading the original bill?

The SPEAKER. Under the direction of the Chair the Clerk is reading the bill as it is proposed to be passed, which is the amendment of the House.

Mr. O'CONNOR of New York. I would like to suggest to the chairman of the committee that he explain the changes in the two lines and save reading 75 pages which constitutes the amendment.

The SPEAKER. By unanimous consent that could be done.

Mr. BLAND. Mr. Speaker, reserving the right to object, if the gentleman can give us his amendment before he undertakes to explain the bill, so as to satisfy us as to what the amendment is that is to be considered, then I shall have no desire to insist upon the reading of the entire amendment, but I have been trying to get this amendment and have never been able to get it in the language proposed.

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GRAHAM] be allowed to explain the amendment consisting of two lines, which he has just mentioned and that then the question of the determination of whether or not the amendment shall be read in full be passed upon.

The SPEAKER. The gentleman from New York asks unanimous consent that the chairman of the committee may be permitted to explain the amendments added by the committee to the general committee amendment; in other words, how it differs from the confidential print. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, the print of the proposed committee amendment is now here in quite a number, so that everyone can get a copy of it. The only thing that is not in the printed amendment which is now before you is contained in paragraph 3, on page 2; and if gentlemen will follow the printed words, they will get the words that have been added in answer to the request of some Members in order to make it clearer. Under the authority unanimously given by the Committee on the Judiciary, I have perfected the language so as to make clear the taking out of the seamen.

Mr. O'CONNOR of New York. May I interrupt the gentleman to say that that would be in this print which has just come from the desk—the second paragraph on page 49.

Mr. GRAHAM. No; it is on page 2. Let gentlemen turn to paragraph (3), and there they will find the first interlineation. What the gentleman from New York refers to on page 49 I shall refer to later, but I can not speak of both matters at once. I am trying to explain only the change on page 2.

Paragraph (3) reads as it was originally:

(3) The term "employee" does not include a master or seamen as defined in section 4612 of the Revised Statutes, as amended.

We have striken out the language "seamen as defined in section 4612 of the Revised Statutes, as amended," because it was understood upon examination that that created confusion and would interfere with and mar the harmony of the bill. That is the only thing that is stricken out. The paragraph with the interlineation and the new words is as follows:

The term "employee" does not include a master or a member of a crew of any vessel, nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net.

That is the whole change, and that is carried out on page 5 in paragraph (1) to harmonize with this definition. Those are the only changes that have been made under the authority of the committee.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. ABERNETHY. As I understand the gentleman's interpretation of the bill, it does not include small repair yards.

Mr. GRAHAM. The gentleman spoke about the words in the fourth paragraph, "including any dry dock"?

Mr. ABERNETHY. Yes.

Mr. GRAHAM. And the gentleman was apprehensive that that might possibly cover a small shipyard. I can assure the gentleman that it will not. A dry dock is under admiralty, so declared in the decisions of the Supreme Court, and a dry dock is defined legally, so that it can not include a shipyard.

Mr. ABERNETHY. I am glad to have that understanding.

Mr. MICHENER. Mr. Speaker, if the gentleman will yield, I think he inadvertently made a mistake in his reference to page 49. The situation is this: There is one print which embodies first the Senate bill, stricken out. Attached to that Senate bill is a confidential print of the House amendment.

That is, on page 49 of that print you will find page 2 of the print which the chairman holds in his hand. Page 49 of the print, which the chairman holds in his hand, has nothing to do with seamen.

Mr. GRAHAM. That is correct.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield for another question?

Mr. GRAHAM. Yes.

Mr. ABERNETHY. As I understand, this bill takes from its provisions seamen, fishermen, and oystermen, and does not include any shipyard or repair yard except a dry dock.

Mr. GRAHAM. That is correct.

Mr. ABERNETHY. If that is so, I am ready to withdraw my opposition to the bill.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. CELLER. Would the gentleman kindly enlighten us as to whether or not this bill embraces not only longshoremen but also seamen. In the report on page 20 the committee states that the bill has been amended to provide benefits of compensation to seamen.

Mr. GRAHAM. The gentleman is behind the times. That has passed by and is gone. This is an amendment taking the seamen out.

Mr. DYER. If the gentleman will yield, will he not state to the House that the committee has not abandoned its intention of trying to include the seamen, but that it has passed that over for the present?

Mr. GRAHAM. I intend to do that later.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. I will yield once more, and then I must decline to yield further.

Mr. BLAND. Has the gentleman available for our use a copy of that amendment? It was hard to catch it from the gentleman's reading; there was so much confusion.

Mr. GRAHAM. The section would be perfectly good——

Mr. BLAND. I would like to consider it.

Mr. GRAHAM. I have no copy of that interlineation.

The SPEAKER. The gentleman from New York [Mr. O'CONNOR] asked unanimous consent that the reading of this amendment be dispensed with. The Chair might suggest that a great deal of it might have been read if this discussion had not gone on by unanimous consent.

Mr. BLAND. This is the only committee print?

Mr. GRAHAM. Yes.

Mr. BLAND. There is no opportunity for amendment.

Mr. GRAHAM. You will find that this same language is put in in another place, so as to make conformity between the two paragraphs.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Is a second demanded?

Mr. BLAND. I demand a second.

Mr. MICHENER. I ask unanimous consent that the second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Following is the bill:

Be it enacted, etc.—

SHORT TITLE

SECTION 1. This act may be cited as "longshoremen's and harbor workers' compensation act."

DEFINITIONS

SEC. 2. When used in this act—

(1) The term "person" means individual, partnership, corporation, or association.

(2) The term "injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury, and includes an injury caused by the willful act of a third person directed against an employee because of his employment.

(3) The term "employee" does not include a master or a member of a crew of any vessel nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net.

(4) The term "employer" means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any dry dock).

(5) The term "carrier" means any person or fund authorized under section 32 to insure under this act and includes self-insurers.

(6) The term "commission" means the United States Employees' Compensation Commission.

(7) The term "deputy commissioner" means the deputy commissioner having jurisdiction in respect of an injury or death.

(8) The term "State" includes a Territory and the District of Columbia.

(9) The term "United States" when used in a geographical sense means the several States and Territories and the District of Columbia, including the territorial waters thereof.

(10) "Disability" means incapacity because of injury to earn the wages which the employee was receiving at the time of injury in the same or any other employment.

(11) "Death" as a basis for a right to compensation means only death resulting from an injury.

(12) "Compensation" means the money allowance payable to an employee or to his dependents as provided for in this act, and includes funeral benefits provided therein.

(13) "Wages" means the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the injury, including the reasonable value of board, rent, housing, lodging, or similar advantage received from the employer, and gratuities received in the course of employment from others than the employer.

(14) "Child" shall include a posthumous child, a child legally adopted prior to the injury of the employee, and a stepchild or acknowledged illegitimate child dependent upon the deceased, but does not include married children unless wholly dependent on him. "Grandchild" means a child as above defined of a child as above defined. "Brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but does not include married brothers nor married sisters unless wholly dependent on the employee. "Child," "grandchild," "brother," and "sister" include only persons who at the time of the death of the deceased employee are under 18 years of age.

(15) The term "parent" includes step-parents and parents by adoption, parents-in-law, and any person who for more than three years prior to the death of the deceased employee stood in the place of a parent to him, if dependent on the injured employee.

(16) The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death; or living apart for justifiable cause or by reason of his desertion at such time.

(17) The term "widower" includes only the decedent's husband who at the time of her death lived with her and was dependent for support upon her.

(18) The terms "adoption" or "adopted" mean legal adoption prior to the time of the injury.

(19) The singular includes the plural and the masculine includes the feminine and neuter.

COVERAGE

SEC. 3. (a) Compensation shall be payable under this act in respect of disability or death of an employee, but only if the disability or death results from an injury occurring upon the navigable waters of the United States (including any dry dock) and if recovery for the disability or death through workmen's compensation proceedings may not validly be

provided by State law. No compensation shall be payable in respect of the disability or death of—

(1) A master or member of a crew of any vessel or any person engaged by the master to load or unload any small vessel under 18 tons net.

(2) An officer or employee of the United States or any agency thereof or of any State or foreign government, or of any political subdivision thereof.

(b) No compensation shall be payable if the injury was occasioned solely by the intoxication of the employee or by the willful intention of the employee to injure or kill himself or another.

LIABILITY FOR COMPENSATION

SEC. 4. (a) Every employer shall be liable for and shall secure the payment to his employees of the compensation payable under sections 7, 8, and 9. In the case of an employer who is a subcontractor, the contractor shall be liable for and shall secure the payment of such compensation to employees of the subcontractor unless the subcontractor has secured such payment.

(b) Compensation shall be payable irrespective of fault as a cause for the injury.

EXCLUSIVENESS OF LIABILITY

SEC. 5. The liability of an employer prescribed in section 4 shall be exclusive and in place of all other liability of such employer to the employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this act, an injured employee, or his legal representative in case death results from the injury, may elect to claim compensation under this act, or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant, nor that the employee assumed the risk of his employment, nor that the injury was due to the contributory negligence of the employee.

TIME FOR COMMENCEMENT OF COMPENSATION

SEC. 6. (a) No compensation shall be allowed for the first seven days of the disability, except the benefits provided for in section 7: *Provided, however,* That in case the injury results in disability of more than 49 days, the compensation shall be allowed from the date of the disability.

(b) Compensation for disability shall not exceed $25 per week nor be less than $8 per week: *Provided, however,* That if the employee's wages at the time of injury are less than $8 per week he shall receive his full weekly wages.

MEDICAL SERVICES AND SUPPLIES

SEC. 7. (a) The employer shall furnish such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus for such period as the nature of the injury or the process of recovery may require. If the employer fails to provide the same, after request by the injured employee, such injured employee may do so at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for such treatment or services unless he shall have requested the employer to furnish the same and the employer shall have refused or neglected to do so, or unless the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide the same; nor shall any claim for medical or surgical treatment be valid and enforceable, as against such employer, unless within 20 days following the first treatment the physician giving such treatment furnish to the employer and the deputy commissioner a report of such injury and treatment, on a form prescribed by the commission.

(b) Whenever in the opinion of the deputy commissioner a physician has not impartially estimated the degree of permanent disability or the extent of temporary disability of any injured employee, the deputy commissioner shall have the power to cause such employee to be examined by a physician selected by the deputy commissioner and to obtain from such physician a report containing his estimate of such disabilities. If the report of such physician shows that the estimate of the physician has not been impartial from the standpoint of such employee, the deputy commissioner shall have the power in his discretion to charge the cost of such examination to the employer, if he is a self-insurer, or to the insurance company which is carrying the risk.

(c) All fees and other charges for such treatment or service shall be limited to such charges as prevail in the same community for similar treatment of injured persons of like standard of living, and shall be subject to regulation by the deputy commissioner.

COMPENSATION FOR DISABILITY

SEC. 8. Compensation for disability shall be paid to the employee as follows:

(a) Permanent total disability: In case of total disability adjudged to be permanent 66⅔ per cent of the average weekly wages shall be paid to the employee during the continuance of such total disability. Loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts.

(b) Temporary total disability: In case of disability total in character but temporary in quality 66⅔ per cent of the average weekly wages shall be paid to the employee during the continuance thereof.

(c) Permanent partial disability: In case of disability partial in character but permanent in quality the compensation shall be 66⅔ per cent of the average weekly wages, and shall be paid to the employee, as follows:

(1) Arm lost, 312 weeks' compensation.
(2) Leg lost, 288 weeks' compensation.
(3) Hand lost, 244 weeks' compensation.
(4) Foot lost, 205 weeks' compensation.
(5) Eye lost, 160 weeks' compensation.
(6) Thumb lost, 75 weeks' compensation.
(7) First finger lost, 46 weeks' compensation.
(8) Great toe lost, 38 weeks' compensation.
(9) Second finger lost, 30 weeks' compensation.
(10) Third finger lost, 25 weeks' compensation.
(11) Toe other than great toe lost, 16 weeks' compensation.
(12) Fourth finger lost, 15 weeks' compensation.

(13) Loss of hearing: Compensation for loss of hearing of one ear, 52 weeks. Compensation for loss of hearing of both ears, 200 weeks.

(14) Phalanges: Compensation for loss of more than one phalange of a digit shall be the same as for loss of the entire digit. Compensation for loss of the first phalange shall be one-half of the compensation for loss of the entire digit.

(15) Amputated arm or leg: Compensation for an arm or a leg, if amputated at or above the elbow or the knee, shall be the same as for a loss of the arm or leg; but, if amputated between the elbow and the wrist or the knee and the ankle, shall be the same as for loss of a hand or foot.

(16) Binocular vision or per cent of vision: Compensation for loss of binocular vision or for 80 per cent or more of the vision of an eye shall be the same as for loss of the eye.

(17) Two or more digits: Compensation for loss of two or more digits, or one or more phalanges of two or more digits, of a hand or foot may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the compensation for loss of a hand or foot.

(18) Total loss of use: Compensation for permanent total loss of use of a member shall be the same as for loss of the member.

(19) Partial loss or partial loss of use: Compensation for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member.

(20) Disfigurement: The deputy commissioner shall award proper and equitable compensation for serious facial or head disfigurement, not to exceed $3,500.

(21) Other cases: In all other cases in this class of disability the compensation shall be 66⅔ per cent of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, payable during the continuance of such partial disability, but subject to reconsideration of the degree of such impairment by the deputy commissioner on his own motion or upon application of any party in interest.

(22) In case of temporary total disability and permanent partial disability, both resulting from the same injury, if the temporary total disability continues for a longer period than the number of weeks set forth in the following schedule, the period of temporary total disability in excess of such number of weeks shall be added to the compensation period provided in subdivision (c) of this section: Arm, 32 weeks; leg, 40 weeks; hand, 32 weeks; foot, 32 weeks; eye, 20 weeks; thumb, 24 weeks; first finger, 18 weeks; great toe, 12 weeks; second finger, 12 weeks; third finger, 8 weeks; fourth finger, 8 weeks; toe other than great toe, 8 weeks.

In any case resulting in loss or partial loss of use of arm, leg, hand, foot, eye, thumb, finger, or toe, where the temporary total disability does not extend beyond the periods above mentioned for such injury, compensation shall be limited to the schedule contained in subdivision (c).

(d) Any compensation to which any claimant would be entitled under subdivision (c) excepting subdivision (c–21) shall, notwithstanding death arising from causes other than the injury, be payable to and for the benefit of the persons following:

(1) If there be a surviving wife or dependent husband and no child of the deceased under the age of 18 years, to such wife or dependent husband.

(2) If there be a surviving wife or dependent husband and surviving child or children of the deceased under the age of 18 years, one half shall be payable to the surviving wife or dependent husband and the other half to the surviving child or children.

(3) The deputy commissioner may in his discretion require the appointment of a guardian for the purpose of receiving the compensation of the minor child. In the absence of such a requirement the appointment for such a purpose shall not be necessary.

(4) If there be a surviving child or children of the deceased under the age of 18 years, but no surviving wife or dependent husband, then to such child or children.

(5) An award for disability may be made after the death of the injured employee.

(e) Temporary partial disability: In case of temporary partial disability resulting in decrease of earning capacity the compensation shall be two-thirds of the difference between the injured employee's average weekly wages before the injury and his wage-earning capacity after the injury in the same or another employment, to be paid during the continuance of such disability, but shall not be paid for a period exceeding five years.

(f) Injury increasing disability: (1) If an employee receive an injury which of itself would only cause permanent partial disability but which, combined with a previous disability, does in fact cause permanent total disability, the employer shall provide compensation only for the disability caused by the subsequent injury: *Provided, however,* That in addition to compensation for such permanent partial disability, and after the cessation of the payments for the prescribed period of weeks, the employee shall be paid the remainder of the compensation that would be due for permanent total disability. Such additional compensation shall be paid out of the special fund established in section 44.

(2) In all other cases in which, following a previous disability, an employee receives an injury which is not covered by (1) of this subdivision, the employer shall provide compensation only for the disability caused by the subsequent injury. In determining compensation for the subsequent injury or for death resulting therefrom, the average weekly wages shall be such sum as will reasonably represent the earning capacity of the employee at the time of the subsequent injury.

(g) Maintenance for employees undergoing vocational rehabilitation: An employee who as a result of injury is or may be expected to be totally or partially incapacitated for a remunerative occupation and who, under the direction of the commission as provided by section 39 (c) of this act, is being rendered fit to engage in a remunerative occupation, shall receive additional compensation necessary for his maintenance, but such additional compensation shall not exceed $10 a week. The expense shall be paid out of the special fund established in section 44.

COMPENSATION FOR DEATH

SEC. 9. If the injury causes death, the compensation shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following:

(a) Reasonable funeral expenses not exceeding $200.

(b) If there be a surviving wife or dependent husband and no child of the deceased under the age of 18 years, to such wife or dependent husband 35 per cent of the average wages of the deceased, during widowhood or dependent widowerhood, with two years' compensation in one sum upon remarriage; and if there be a surviving child or children of the deceased under the age of 18 years, the additional amount of 10 per cent of such wages for each such child until the age of 18 years; in case of the death or remarriage of such surviving wife or dependent husband any surviving child of the deceased employee, at the time under 18 years of age, shall have his compensation increased to 15 per cent of such wage, and the same shall be payable until he shall reach the age of 18 years: *Provided,* That the total amount payable shall in no case exceed 66⅔ per cent of such wages. The deputy commissioner having jurisdiction over the claim may, in his discretion, require the appointment of a guardian for the purpose of receiving the compensation of a minor child. In the absence of such a requirement the appointment of a guardian for such purposes shall not be necessary.

(c) If there be a surviving child or children of the deceased under the age of 18 years, but no surviving wife or dependent husband, then for the support of each such child under the age of 18 years, 15 per cent of the wages of the deceased: *Provided,* That the aggregate shall in no case exceed 66⅔ per cent of such wages.

(d) If there be no surviving wife or dependent husband or child under the age of 18 years or if the amount payable to a surviving wife or dependent husband and to children under the age of 18 years shall be less in the aggregate than 66⅔ per cent of the average wages of the deceased; then for the support of grandchildren or brothers and sisters under the age of 18 years, if dependent upon the deceased at the time of the injury, 15 per cent of such wages for the support of each such person until the age of 18 years and for the support of each parent, or grandparent, of the deceased if dependent upon him at the time of the injury, 25 per cent of such wages during such dependency. But in no case shall the aggregate amount payable under this subdivision exceed the difference between 66⅔ per cent of such wages and the amount payable as hereinbefore provided to surviving wife or dependent husband and for the support of surviving child or children.

(e) In computing death benefits the average weekly wages of the deceased shall be considered to have been not more than $37.50 nor less than $12, but the total weekly compensation shall not exceed the weekly wages of the deceased.

(f) All questions of dependency shall be determined as of the time of the injury.

(g) Aliens: Compensation under this chapter to aliens not residents (or about to become nonresidents) of the United States or Canada shall be the same in amount as provided for residents, except that dependents in any foreign country shall be limited to surviving wife and child or children, or if there be no surviving wife or child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for the period of one year prior to the date of the injury, and except that the commission may, at its option or upon the application of the insurance carrier shall, commute all future installments of compensation to be paid to such aliens by paying or causing to be paid to them one-half of the commuted amount of such future installments of compensation as determined by the commission.

DETERMINATION OF PAY

SEC. 10. Except as otherwise provided in this act, the average weekly wage of the injured employee at the time of the injury shall be taken as the basis upon which to compute compensation and shall be determined as follows:

(a) If the injured employee shall have worked in the employment in which he was working at the time of the injury, whether for the same or another employer, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary which he shall have earned in such employment during the days when so employed.

(b) If the injured employee shall not have worked in such employment during substantially the whole of such year, his average annual earnings shall consist of three hundred times the average daily wage or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or in similar employment in the same or a neighboring place shall have earned in such employment during the days when so employed.

(c) If either of the foregoing methods of arriving at the annual average earnings of an injured employee can not reasonably and fairly be applied, such annual earnings shall be such sum as, having regard to the previous earnings of the injured employee and of other employees of the same or most similar class, working in the same or most similar employment in the same or neighboring locality, shall reasonably represent the annual earning capacity of the injured employee in the employment in which he was working at the time of the injury.

(d) The average weekly wages of an employee shall be one fifty-second part of his average annual earnings.

(e) If it be established that the injured employee was a minor when injured, and that under normal conditions his wages should be expected to increase during the period of disability, the fact may be considered in arriving at his average weekly wages.

GUARDIAN FOR MINOR OR INCOMPETENT

SEC. 11. The deputy commissioner may require the appointment by a court of competent jurisdiction, for any person who is mentally incompetent or a minor, of a guardian or other representative to receive compensation payable to such person under this act and to exercise the powers granted to or to perform the duties required of such person under this act.

NOTICE OF INJURY OR DEATH

SEC. 12. (a) Notice of an injury or death in respect of which compensation is payable under this act shall be given within 30 days after the date of such injury or death (1) to the deputy commissioner in the compensation district in which such injury occurred and (2) to the employer.

(b) Such notice shall be in writing, shall contain the name and address of the employee and a statement of the time, place, nature, and cause of the injury or death, and shall be signed by the employee or by some person on his behalf, or in case of death by any person claiming to be entitled to compensation for such death or by a person on his behalf.

(c) Notice shall be given to the deputy commissioner by delivering it to him or sending it by mail addressed to his office, and to the employer by delivering it to him or by sending it by mail addressed to him at his last-known place of business. If the employer is a partnership such notice may be given to any partner, or if a corporation such notice may be given to any agent or officer thereof upon whom legal process may be served or who is in charge of the business in the place where the injury occurred.

(d) Failure to give such notice shall not bar any claim under this act (1) if the employer (or his agent in charge of the business in the place where the injury occurred) or the carrier had knowledge of the injury or death and the deputy commissioner determines that the employer or carrier has not been prejudiced by failure to give such notice, or (2) if the deputy commissioner excuses such failure on the ground that for some satisfactory reason such notice could not be given; nor

unless objection to such failure is raised before the deputy commissioner at the first hearing of a claim for compensation in respect of such injury or death.

TIME FOR FILING OF CLAIMS

SEC. 13. (a) The right to compensation for disability under this act shall be barred unless a claim therefor is filed within one year after the injury, and the right to compensation for death shall be barred unless a claim therefor is filed within one year after the death, except that if payment of compensation has been made without an award on account of such injury or death a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or such death occurred.

(b) Notwithstanding the provisions of subdivision (a) failure to file a claim within the period prescribed in such subdivision shall not be a bar to such right unless objection to such failure is made at the first hearing of such claim in which all parties in interest are given reasonable notice and opportunity to be heard.

(c) If a person who is entitled to compensation under this act is mentally incompetent or a minor, the provisions of subdivision (a) shall not be applicable so long as such person has no guardian or other authorized representative, but shall be applicable in the case of a person who is mentally incompetent or a minor from the date of appointment of such guardian or other representative, or in the case of a minor, if no guardian is appointed before he becomes of age, from the date he becomes of age.

(d) Where recovery is denied to any person, in a suit brought at law or in admiralty to recover damages in respect of injury or death, on the ground that such person was an employee and that the defendant was an employer within the meaning of this act and that such employer had secured compensation to such employee under this act, the limitation of time prescribed in subdivision (a) shall begin to run only from the date of termination of such suit.

PAYMENT OF COMPENSATION

SEC. 14. (a) Compensation under this act shall be paid periodically, promptly, and directly to the person entitled thereto, without an award, except where liability to pay compensation is controverted by the employer.

(b) The first installment of compensation shall become due on the fourteenth day after the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Thereafter compensation shall be paid in installments, semimonthly, except where the deputy commissioner determines that payment in installments should be made monthly or at some other period.

(c) Upon making the first payment, and upon suspension of payment for any cause, the employer shall immediately notify the deputy commissioner, in accordance with a form prescribed by the commission, that payment of compensation has begun or has been suspended, as the case may be.

(d) If the employer controverts the right to compensation he shall file with the deputy commissioner on or before the fourteenth day after he has knowledge of the alleged injury or death, a notice, in accordance with a form prescribed by the commission, stating that the right to compensation is controverted, the name of the claimant, the name of the employer, the date of the alleged injury or death, and the grounds upon which the right to compensation is controverted.

(e) If any installment of compensation payable without an award is not paid within 14 days after it becomes due, as provided in subdivision (b) of this section, there shall be added to such unpaid installment an amount equal to 10 per cent thereof, which shall be paid at the same time as, but in addition to, such installment, unless notice is filed under subdivision (d) of this section, or unless such nonpayment is excused by the deputy commissioner after a showing by the employer that owing to conditions over which he had no control such installment could not be paid within the period prescribed for the payment.

(f) If any compensation, payable under the terms of an award, is not paid within 10 days after it becomes due, there shall be added to such unpaid compensation an amount equal to 20 per cent thereof, which shall be paid at the same time as but in addition to such compensation, unless review of the compensation order making such award is had as provided in section 21.

(g) Within 16 days after final payment of compensation has been made, the employer shall send to the deputy commissioner a notice, in accordance with a form prescribed by the commission, stating that such final payment has been made, the total amount of compensation paid, the name of the employee and of any other person to whom compensation has been paid, the date of the injury or death, and the date to which compensation has been paid. If the employer fails to so notify the deputy commissioner within such time the commission shall assess against such employer a civil penalty in the amount of $100.

(h) The deputy commissioner (1) may upon his own initiative at any time in a case in which payments are being made without an award, and (2) shall in any case where right to compensation is controverted, or where payments of compensation have been stopped or suspended, upon receipt of notice from any person entitled to compensation, or from the employer, that the right to compensation is controverted, or that payments of compensation have been stopped or suspended, make such investigations, cause such medical examinations to be made, or hold such hearings, and take such further action as he considers will properly protect the rights of all parties.

(i) Whenever the deputy commissioner deems it advisable he may require any employer to make a deposit with the Treasurer of the United States to secure the prompt and convenient payment of such compensation, and payments therefrom upon any awards shall be made upon order of the deputy commissioner.

(j) Whenever the deputy commissioner determines that it is for the best interests of a person entitled to compensation, the liability of the employer for such compensation may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at 4 per cent true discount compounded annually. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which he is entitled to compensation shall be determined in accordance with the American Experience Table of Mortality. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

(k) If the employer has made advance payments of compensation, he shall be entitled to be reimbursed out of any unpaid installment or installments of compensation due.

(l) An injured employee, or in case of death his dependents or personal representative, shall give receipts for payment of compensation to the employer paying the same and such employer shall produce the same for inspection by the deputy commissioner, whenever required.

(m) The total compensation payable under this act for injury or death shall in no event exceed the sum of $7,500.

INVALID AGREEMENTS

SEC. 15. (a) No agreement by an employee to pay any portion of premium paid by his employer to a carrier or to contribute to a benefit fund or department maintained by such employer for the purpose of providing compensation or medical services and supplies as required by this act shall be valid, and any employer who makes a deduction for such purpose from the pay of any employee entitled to the benefits of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000.

(b) No agreement by an employee to waive his right to compensation under this act shall be valid.

ASSIGNMENT AND EXEMPTION FROM CLAIMS OF CREDITORS

SEC. 16. No assignment, release, or commutation of compensation or benefits due or payable under this act, except as provided by this act, shall be valid, and such compensation and benefits shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived.

COMPENSATION A LIEN AGAINST ASSETS

SEC. 17. Compensation shall have the same preference of lien against the assets of the carrier or employer without limit of amount as is now or may hereafter be allowed by law to the claimant for unpaid wages or otherwise.

COLLECTION OF DEFAULTED PAYMENTS

SEC. 18. In case of default by the employer in the payment of compensation due under any award of compensation for a period of 30 days after the compensation is due and payable, the person to whom such compensation is payable may, within one year after such default, make application to the deputy commissioner making the compensation order or a supplementary order declaring the amount of the default. After investigation, notice, and hearing, as provided in section 19, the deputy commissioner shall make a supplementary order, declaring the amount of the default, which shall be filed in the same manner as the compensation order. In case the payment in default is an installment of the award, the deputy commissioner may, in his discretion, declare the whole of the award as the amount in default. The applicant may file a certified copy of such supplementary order with the clerk of the Federal district court for the judicial district in which the employer has his principal place of business or maintains an office, or for the judicial district in which the injury occurred. In case such principal place of business or office or place where the injury occurred is in the District of Columbia, a copy of such supplementary order may be filed with the clerk of the Supreme Court of the District of Columbia. Such supplementary order of the deputy commissioner shall be final, and the court shall upon the filing of the copy enter judgment for the amount declared in default by the supplementary order if such supplementary order is in accordance with law. Review of the judgment so entered may be had as in civil suits for damages at common law. Final proceedings to execute the judgment may be had by writ

of execution in the form used by the court in suits at common law in actions of assumpsit. No fee shall be required for filing the supplementary order nor for entry of judgment thereon, and the applicant shall not be liable for costs in a proceeding for review of the judgment unless the court shall otherwise direct. The court shall modify such judgment to conform to any later compensation order upon presentation of a certified copy thereof to the court.

PROCEDURE IN RESPECT OF CLAIMS

SEC. 19. (a) Subject to the provisions of section 13 a claim for compensation may be filed with the deputy commissioner in accordance with regulations prescribed by the commission at any time after the first seven days of disability following any injury, or at any time after death, and the deputy commissioner shall have full power and authority to hear and determine all questions in respect of such claim.

(b) Within 10 days after such claim is filed the deputy commissioner, in accordance with regulations prescribed by the commission, shall notify the employer and any other person (other than the claimant), whom the deputy commissioner considers an interested party, that a claim has been filed. Such notice may be served personally upon the employer or other person, or sent to such employer or person by registered mail.

(c) The deputy commissioner shall make or cause to be made such investigations as he considers necessary in respect of the claim, and upon application of any interested party shall order a hearing thereon. If a hearing on such claim is ordered, the deputy commissioner shall give the claimant and other interested parties at least 10 days' notice of such hearing, served personally upon the claimant and other interested parties or sent to such claimant and other interested parties by registered mail, and shall within 20 days after such hearing is had, by order, reject the claim or make an award in respect of the claim. If no hearing is ordered within 20 days after notice is given as provided in subdivision (b), the deputy commissioner shall, by order, reject the claim or make an award in respect of the claim.

(d) At such hearing the claimant and the employer may each present evidence in respect of such claim and may be represented by any person authorized in writing for such purpose.

(e) The order rejecting the claim or making the award (referred to in this act as a compensation order) shall be filed in the office of the deputy commissioner, and a copy thereof shall be sent by registered mail to the claimant and to the employer at the last known address of each.

(f) An award of compensation for disability may be made after the death of an injured employee.

(g) After a compensation order has issued in any case the deputy commissioner may transfer such case to any other deputy commissioner for the purpose of taking testimony or making physical examinations.

(h) An injured employee claiming or entitled to compensation shall submit to such physical examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission as the deputy commissioner may require. The place or places shall be reasonably convenient for the employee. Such physician or physicians as the employee, employer, or carrier may select and pay for may participate in an examination if the employee, employer, or carrier so requests. Proceedings shall be suspended and no compensation be payable for any period during which the employee may refuse to submit to examination.

PRESUMPTIONS

SEC. 20. In any proceeding for the enforcement of a claim for compensation under this act it shall be presumed, in the absence of substantial evidence to the contrary—

(a) That the claim comes within the provisions of this act.

(b) That sufficient notice of such claim has been given.

(c) That the injury was not occasioned solely by the intoxication of the injured employee.

(d) That the injury was not occasioned by the willful intention of the injured employee to injure or kill himself or another.

REVIEW OF COMPENSATION ORDERS

SEC. 21. (a) A compensation order shall become effective when filed in the office of the deputy commissioner as provided in section 19, and, unless proceedings for the suspension or setting aside of such order are instituted as provided in subdivision (b) of this section, shall become final at the expiration of the thirtieth day thereafter.

(b) If not in accordance with law, a compensation order may be suspended or set aside, in whole or in part, through injunction proceedings, mandatory or otherwise, brought by any party in interest against the deputy commissioner making the order, and instituted in the Federal district court for the judicial district in which the injury occurred (or in the Supreme Court of the District of Columbia if the injury occurred in the District). The orders, writs, and processes of the court in such proceedings may run, be served, and be returnable anywhere in the United States. The payment of the amounts required by an award shall not be stayed pending final decision in any such proceeding unless upon application for an interlocutory injunction the court, on hearing, after not less than three days' notice to the parties in interest and the deputy commissioner, allows the stay of such payments, in whole or in part, where irreparable damage would otherwise ensue to the employer. The order of the court allowing any such stay shall contain a specific finding, based upon evidence submitted to the court and identified by reference thereto, that such irreparable damage would result to the employer, and specifying the nature of the damage.

(c) If any employer or his officers or agents fails to comply with a compensation order making an award, that has become final, any beneficiary of such award or the deputy commissioner making the order, may apply for the enforcement of the order to the Federal district court for the judicial district in which the injury occurred (or to the Supreme Court of the District of Columbia if the injury occurred in the District). If the court determines that the order was made and served in accordance with law, and that such employer or his officers or agents have failed to comply therewith, the court shall enforce obedience to the order by writ of injunction or by other proper process, mandatory or otherwise, to enjoin upon such person and his officers and agents compliance with the order.

(d) Proceedings for suspending, setting aside, or enforcing a compensation order, whether rejecting a claim or making an award, shall not be instituted otherwise than as provided in this section and section 18.

MODIFICATION OF AWARDS

SEC. 22. Upon his own initiative, or upon application of any party in interest, on the ground of a change in conditions, the deputy commissioner may at any time during the term of an award and after the compensation order in respect of such award has become final, review such order in accordance with the procedure prescribed in respect of claims in section 19, and in accordance with such section issue a new compensation order which may terminate, continue, increase, or decrease such compensation. Such new order shall not affect any compensation paid under authority of the prior order.

PROCEDURE BEFORE THE DEPUTY COMMISSIONER

SEC. 23. (a) In making an investigation or inquiry or conducting a hearing the deputy commissioner shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as provided by this act; but may make such investigation or inquiry or conduct such hearings in such manner as to best ascertain the rights of the parties. Declarations of a deceased employee concerning the injury in respect of which the investigation or inquiry is being made or the hearing conducted shall be received in evidence and shall, if corroborated by other evidence, be sufficient to establish the injury.

(b) Hearings before a deputy commissioner shall be open to the public and shall be stenographically reported, and the deputy commissioners, subject to the approval of the commission, are authorized to contract for the reporting of such hearings. The commission shall by regulation provide for the preparation of a record of the hearings and other proceedings before the deputy commissioners.

WITNESSES

SEC. 24. No person shall be required to attend as a witness in any proceeding before a deputy commissioner at a place outside of the State of his residence and more than 100 miles from his place of residence, unless his lawful mileage and fee for one day's attendance shall be first paid or tendered to him; but the testimony of any witness may be taken by deposition or interrogatories according to the rules of practice of the Federal district court for the judicial district in which the case is pending (or of the Supreme Court of the District of Columbia if the case is pending in the District).

WITNESS FEES

SEC. 25. Witnesses summoned in a proceeding before a deputy commissioner or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States.

COSTS IN PROCEEDINGS BROUGHT WITHOUT REASONABLE GROUNDS

SEC. 26. If the court having jurisdiction of proceedings in respect of any claim or compensation order determines that the proceedings in respect of such claim or order have been instituted or continued without reasonable ground, the costs of such proceedings shall be assessed against the party who has so instituted or continued such proceedings.

POWERS OF DEPUTY COMMISSIONERS

SEC. 27. (a) The deputy commissioner shall have power to preserve and enforce order during any such proceedings; to issue subpœnas for, to administer oaths to, and to compel the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths; to examine witnesses; and to do all things conformable to law which may be necessary to enable him effectively to discharge the duties of his office.

(b) If any person in proceedings before a deputy commissioner disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects

to produce, after having been ordered to do so, any pertinent book, paper, or document, or refuses to appear after having been subpœnaed, or upon appearing refuses to take the oath as a witness, or after having taken the oath refuses to be examined according to law, the deputy commissioner shall certify the facts to the district court having jurisdiction in the place in which he is sitting (or to the Supreme Court of the District of Columbia if he is sitting in such District), which shall thereupon in a summary manner hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of or in the presence of the court.

FEES FOR SERVICES

SEC. 28. (a) No claim for legal services or for any other services rendered in respect of a claim or award for compensation, to or on account of any person, shall be valid unless approved by the deputy commissioner, or if proceedings for review of the order of the deputy commissioner in respect of such claim or award are had before any court, unless approved by such court. Any claim so approved shall, in the manner and to the extent fixed by the deputy commissioner or such court, be a lien upon such compensation.

(b) Any person (1) who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the deputy commissioner or such court, or (2) who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation, shall be guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be punished by a fine of not more than $1,000 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

RECORD OF INJURY OR DEATH

SEC. 29. Every employer shall keep a record in respect of any injury to an employee. Such record shall contain such information of disease, other disability, or death in respect of such injury as the commission may by regulation require, and shall be available to inspection by the commission or by any State authority at such times and under such conditions as the commission may by regulation prescribe.

REPORTS

SEC. 30. (a) Within 10 days from the date of any injury or death or from the date that the employer has knowledge of a disease or infection in respect of such injury, the employer shall send to the commission a report setting forth (1) the name, address, and business of the employer; (2) the name, address, and occupation of the employee; (3) the cause and nature of the injury or death; (4) the year, month, day, and hour when and the particular locality where the injury or death occurred; and (5) such other information as the commission may require. A copy of such report shall be sent at the same time to the deputy commissioner in the compensation district in which the injury occurred.

(b) Additional reports in respect of such injury and of the condition of such employee shall be sent by the employer to the commission and to such deputy commissioner at such times and in such manner as the commission may prescribe.

(c) Any report provided for in subdivision (a) or (b) shall not be evidence of any fact stated in such report in any proceeding in respect of such injury or death on account of which the report is made.

(d) The mailing of any such report and copy in a stamped envelope, within the time prescribed in subdivisions (a) or (b), to the commission and deputy commissioner, respectively, shall be a compliance with this section.

(e) Any employer who fails or refuses to send any report required of him by this section shall be subject to a civil penalty not to exceed $500 for each such failure or refusal.

PENALTY FOR MISREPRESENTATION

SEC. 31. Any person who willfully makes any false or misleading statement or representation for the purpose of obtaining any benefit or payment under this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not to exceed $1,000 or by imprisonment of not to exceed one year, or by both such fine and imprisonment.

SECURITY FOR COMPENSATION

SEC. 32. (a) Every employer shall secure the payment of compensation under this act—

(1) By insuring and keeping insured the payment of such compensation with any stock company or mutual company or association, or with any other person or fund, while such person or fund is authorized (A) under the laws of the United States or of any State, to insure workmen's compensation, and (B) by the commission, to insure payment of compensation under this act; or

(2) By furnishing satisfactory proof to the commission of his financial ability to pay such compensation and receiving an authorization from the commission to pay such compensation directly. The commission may, as a condition to such authorization, require such employer to deposit in a depository designated by the commission either an indemnity bond or securities (at the option of the employer) of a kind and in an amount determined by the commission, and subject to such conditions as the commission may prescribe, which shall include authorization to the commission in case of default to sell any such securities sufficient to pay compensation awards or to bring suit upon such bonds, to procure prompt payment of compensation under this act. Any employer securing compensation in accordance with the provisions of this paragraph shall be known as a self-insurer.

(b) In granting authorization to any carrier to insure payment of compensation under this act the commission may take into consideration the recommendation of any State authority having supervision over carriers or over workmen's compensation, and may authorize any carrier to insure the payment of compensation under this act in a limited territory. Any marine protection and indemnity mutual insurance corporation or association, authorized to write insurance against liability for loss or damage from personal injury and death, and for other losses and damages, incidental to or in respect of the ownership, operation, or chartering of vessels on a mutual assessment plan, shall be deemed a qualified carrier to insure compensation under this act. The commission may suspend or revoke any such authorization for good cause shown after a hearing at which the carrier shall be entitled to be heard in person or by counsel and to present evidence. No suspension or revocation shall affect the liability of any carrier already incurred.

COMPENSATION FOR INJURIES WHERE THIRD PERSONS ARE LIABLE

SEC. 33. (a) If on account of a disability or death for which compensation is payable under this act the person entitled to such compensation determines that some person other than the employer is liable in damages, he may elect, by giving notice to the deputy commissioner in such manner as the commission may provide, to receive such compensation or to recover damages against such third person.

(b) Acceptance of such compensation shall operate as an assignment to the employer of all right of the person entitled to compensation to recover damages against such third person, whether or not the person entitled to compensation has notified the deputy commissioner of his election.

(c) The payment of such compensation into the fund established in section 44 shall operate as an assignment to the employer of all right of the legal representative of the deceased (hereinafter referred to as "representative") to recover damages against such third person, whether or not the representative has notified the deputy commissioner of his election.

(d) Such employer on account of such assignment may either institute proceedings for the recovery of such damages or may compromise with such third person either without or after instituting such proceeding.

(e) Any amount recovered by such employer on account of such assignment, whether or not as the result of a compromise, shall be distributed as follows:

(1) The employer shall retain an amount equal to—

(A) The expenses incurred by him in respect of such proceedings or compromise (including a reasonable attorney's fee as determined by the deputy commissioner).

(B) The cost of all benefits actually furnished by him to the employee under section 7.

(C) All amounts paid as compensation, and the present value of all amounts payable as compensation, such present value to be computed in accordance with a schedule prepared by the commission, and the amounts so computed to be retained by the employer as a trust fund to pay such compensation as it becomes due and to pay any sum, in excess of such compensation, to the person entitled to compensation or to the representative; and

(2) The employer shall pay any excess to the person entitled to compensation or to the representative.

(f) If the person entitled to compensation or the representative elects to recover damages against such third person and notifies the commission of his election and institutes proceedings within the period prescribed in section 13, the employer shall be required to pay as compensation under this act a sum equal to the excess of the amount which the commission determines is payable on account of such injury or death over the amount recovered against such third person.

(g) If a compromise with such third person is made by the person entitled to compensation or such representative of an amount less than the compensation to which such person or representative would be entitled to under this act, the employer shall be liable for compensation as determined in subdivision (e) only if such compromise is made with his written approval.

(h) The deputy commissioner may, if the person entitled to compensation under this act is a minor, make any election required under subdivision (a) of this section, or may authorize the parent or guardian of the minor to make such election.

COMPENSATION NOTICE

SEC. 34. Every employer who has secured compensation under the provisions of this act shall keep posted in a conspicuous place or places in and about his place or places of business typewritten or printed notices, in accordance with a form prescribed by the commission, stating that such employer has secured the payment of compensation in accordance with the provisions of this act. Such notices shall contain the name and address of the carrier, if any, with whom the employer has secured payment of compensation and the date of the expiration of the policy.

SUBSTITUTION OF CARRIER FOR EMPLOYER

SEC. 35. In any case where the employer is not a self-insurer, in order that the liability for compensation imposed by this act may be most effectively discharged by the employer, and in order that the administration of this act in respect of such liability may be facilitated, the commission shall by regulation provide for the discharge, by the carrier for such employer, of such obligations and duties of the employer in respect of such liability, imposed by this act upon the employer, as it considers proper in order to effectuate the provisions of this act. For such purposes (1) notice to or knowledge of an employer of the occurrence of the injury shall be notice to or knowledge of the carrier, (2) jurisdiction of the employer by a deputy commissioner, the commission, or any court under this act shall be jurisdiction of the carrier, and (3) any requirement by a deputy commissioner, the commission, or any court under any compensation order, finding, or decision shall be binding upon the carrier in the same manner and to the same extent as upon the employer.

INSURANCE POLICIES

SEC. 36. (a) Every policy or contract of insurance issued under authority of this act shall contain (1) a provision to carry out the provisions of section 35, and (2) a provision that insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the carrier from payment of compensation for disability or death sustained by an employee during the life of such policy or contract.

(b) No contract or policy of insurance issued by a carrier under this act shall be canceled prior to the date specified in such contract or policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the deputy commissioner and to the employer in accordance with the provisions of subdivision (c) of section 12.

CERTIFICATE OF COMPLIANCE WITH THIS ACT

SEC. 37. No stevedoring firm shall be employed in any compensation district by a vessel or by hull owners until it presents to such vessel or hull owners a certificate issued by a deputy commissioner assigned to such district that it has complied with the provisions of this act requiring the securing of compensation to its employees. Any person violating the provisions of this section shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

PENALTY FOR FAILURE TO SECURE PAYMENT OF COMPENSATION

SEC. 38. Any employer required to secure the payment of compensation under this act who fails to secure such compensation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. This section shall not affect any other liability of the employer under this act.

ADMINISTRATION

SEC. 39. (a) Except as otherwise specifically provided, the United States Employees' Compensation Commission shall administer the provisions of this act, and for such purpose the commission is authorized (1) to make such rules and regulations; (2) to appoint and fix the compensation of such temporary technical assistants and medical advisers, and, subject to the provisions of the civil service laws, to appoint, and, in accordance with the classification act of 1923, to fix the compensation of such deputy commissioners (except deputy commissioners appointed under subdivision (a) of section 40) and other officers and employees; and (3) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, and for printing and binding) as may be necessary in the administration of this act. All expenditures of the commission in the administration of this act shall be allowed and paid as provided in section 45 upon the presentation of itemized vouchers therefor approved by the commission.

(b) The commission shall establish compensation districts, to include the high seas and the areas within the United States to which this act applies, and shall assign to each such district one or more deputy commissioners, as the commission deems advisable. Judicial proceedings under sections 18 and 21 of this act in respect of any injury or death occurring on the high seas shall be instituted in the district court within whose territorial jurisdiction is located the office of the deputy commissioner having jurisdiction in respect of such injury or death (or in the Supreme Court of the District of Columbia if such office is located in such District).

(c) The commission shall direct the vocational rehabilitation of permanently disabled employees and shall arrange with the appropriate public or private agencies in States or Territories, possessions, or the District of Columbia for such education. The Federal Board for Vocational Education shall cooperate with the commission in such educational work. The commission may in its discretion furnish such prosthetic appliances or other apparatus made necessary by an injury upon which an award has been made under this act to render a disabled employee fit to engage in a remunerative occupation. If any surplus is left in any fiscal year in the fund provided for in section 44, such surplus may be used in subsequent fiscal years for the purposes of this section except for the purposes of administration and investigation.

DEPUTY COMMISSIONERS

SEC. 40. (a) The commission may appoint as deputy commissioners any member of any board, commission, or other agency of a State to act as deputy commissioner for any compensation district or part thereof in such State, and may make arrangements with such board, commission, or other agency for the use of the personnel and facilities thereof in the administration of this act. The commission may make such arrangements as may be deemed advisable by it for the payment of expenses of such board, commission, or other agency, incurred in the administration of this act pursuant to this section, and for the payment of salaries to such board, commission, or other agency, or the members thereof, and may pay any amounts agreed upon to the proper officers of the State, upon vouchers approved by the commission.

(b) In any Territory of the United States or in the District of Columbia a person holding an office under the United States may be appointed deputy commissioner and for services rendered as deputy commissioner may be paid compensation, in addition to that he is receiving from the United States, in an amount fixed by the commission in accordance with the classification act of 1923.

(c) Deputy commissioners (except deputy commissioners appointed under subdivision (a) of this section) may be transferred from one compensation district to another and may be temporarily detailed from one compensation district for service in another in the discretion of the commission.

(d) Each deputy commissioner shall maintain and keep open during reasonable business hours an office, at a place designated by the commission, for the transaction of business under this act, at which office he shall keep his official records and papers. Such office shall be furnished and equipped by the commission, who shall also furnish the deputy commissioner with all necessary clerical and other assistants, records, books, blanks, and supplies. Wherever practicable such office shall be located in a building owned or leased by the United States; otherwise the commission shall rent suitable quarters.

(e) If any deputy commissioner is removed from office, or for any reason ceases to act as such deputy commissioner, all of his official records and papers and office equipment shall be transferred to his successor in office or, if there be no successor, then to the commission or to a deputy commissioner designated by the commission.

(f) Neither a deputy commissioner nor any business associate of a deputy commissioner shall appear as attorney in any proceeding under this act, and no deputy commissioner shall act in any such case in which he is interested, or when he is employed by any party in interest or related to any party in interest by consanguinity or affinity within the third degree, as determined by the common law.

INVESTIGATIONS BY THE COMMISSION

SEC. 41. (a) The commission shall make studies and investigations with respect to safety provisions and the causes of injuries in employments covered by this act, and shall from time to time make to Congress and to employers and carriers such recommendations as it may deem proper as to the best means of preventing such injuries.

(b) In making such studies and investigations the commission is authorized (1) to cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any employment covered by this act, or with any State agency, engaged in enforcing any laws to assure safety for employees, and (2) to permit any such agency to have access to the records of the commission. In carrying out the provisions of this section the commission or any officer or employee of the commission is authorized to enter at any reasonable time upon any premises, tracks, wharf, dock, or other landing place, or upon any vessel, or to enter any building, where an employment covered by this act is being carried on, and to examine any tool, appliance, or machinery used in such employment.

TRAVELING EXPENSES

SEC. 42. The commissioners, deputy commissioners, and other employees of the commission shall be entitled to receive their necessary traveling expenses and expenses actually incurred for subsistence while traveling on official business and away from their designated stations, as provided by the subsistence expense act of 1926.

ANNUAL REPORT

SEC. 43. The commission shall make to Congress at the beginning of each regular session a report of the administration of this act for the preceding fiscal year, including a detailed statement of receipts of and expenditures from the funds established in sections 44 and 45, together with such recommendations as the commission deems advisable.

SPECIAL FUND

SEC. 44. (a) There is hereby established in the Treasury of the United States a special fund for the purpose of making payments in accordance with the provisions of subsections (f) and (g) of section 8 of this act. Such fund shall be administered by the commission. The Treasurer of the United States shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be money or property of the United States.

(b) The Treasurer is authorized to disburse moneys from such fund only upon order of the commission. He shall be required to give bond in an amount to be fixed and with securities to be approved by the Secretary of the Treasury and the Comptroller General of the United States, conditioned upon the faithful performance of his duty as custodian of such fund.

(c) Payments into such fund shall be made as follows:

(1) Each employer shall pay $1,000 as compensation for the death of an employee of such employer resulting from injury where the deputy commissioner determines that there is no person entitled under this act to compensation for such death. Fifty per cent of each such payment shall be available for the payments under subdivision (f) of section 8, and 50 per cent shall be available for payments under subdivision (g) of section 8.

(2) All amounts collected as fines and penalties under the provisions of this act shall be paid into such fund.

(d) The Treasurer of the United States shall deposit any moneys paid into such fund into such depository banks as the commission may designate and may invest any portion of the funds which, in the opinion of the commission, is not needed for current requirements, in bonds or notes of the United States or of any Federal land bank.

(e) Neither the United States nor the commission shall be liable in respect of payments authorized under section 8 in an amount greater than the money or property deposited in or belonging to such fund.

(f) The Comptroller General of the United States shall audit the account for such fund, but the action of the commission in making payments from such fund shall be final and not subject to review, and the Comptroller General is authorized and directed to allow credit in the accounts of any disbursing officer of the commission for payments made from such fund authorized by the commission.

(g) All civil penalties provided for in this act shall be collected by civil suit brought by the commission.

ADMINISTRATION FUND

SEC. 45. (a) There is hereby established in the Treasury of the United States a special fund for the purpose of providing for the payment of all expenses in respect of the administration of this act. Such fund shall be administered by the commission. The Treasurer of the United States shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the United States.

(b) The provisions of subdivisions (b), (d), and (f) of section 44 shall be applicable to the fund hereby established.

APPROPRIATION

SEC. 46. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, which shall be covered into the administration fund established in section 45 and shall be available for expenses incurred in the administration of this act during the remainder of the fiscal year ending June 30, 1927, and during the fiscal year ending June 30, 1928. All unexpended balances of any appropriations made under authority of this section remaining in such fund on July 1, 1928, shall be covered into the Treasury of the United States as miscellaneous receipts.

AVAILABILITY OF APPROPRIATIONS

SEC. 47. The expenses incurred for salaries and contingent expenses by the United States Employees' Compensation Commission in the administration (1) of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, and (2) of this act, may be paid from the appropriations for salaries and contingent expenses for the administration of such act of September 7, 1916, and from the fund established in section 45 of this act, in such proportion as the commission, with the approval of the Director of the Bureau of the Budget, determines to be fairly attributable to the cost of administration of the respective acts, but the total amount paid from such appropriations and such fund in any fiscal year on account of the administration of such act of September 7, 1916, shall not exceed the amounts appropriated for salaries and contingent expenses for the administration of such act for such year.

LAWS INAPPLICABLE

SEC. 48. Nothing in sections 4283, 4284, 4285, 4286, or 4289 of the Revised Statutes, as amended, nor in section 18 of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, as amended, shall be held to limit the amount for which recovery may be had (1) in any suit at law or in admiralty where an employer has failed to secure compensation as required by this act, or (2) in any proceeding for compensation, any addition to compensation, or any civil penalty.

EFFECT OF UNCONSTITUTIONALITY

SEC. 49. If any part of this act is adjudged unconstitutional by the courts, and such adjudication has the effect of invalidating any payment of compensation under this act, the period intervening between the time the injury was sustained and the time of such adjudication shall not be computed as a part of the time prescribed by law for the commencement of any action against the employer in respect of such injury; but the amount of any compensation paid under this act on account of such injury shall be deducted from the amount of damages awarded in such action in respect of such injury.

SEPARABILITY PROVISION

SEC. 50. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 51. Sections 39 to 51, inclusive, shall become effective upon the passage of this act, and the remainder of this act shall become effective on July 1, 1927.

Mr. GRAHAM. Mr. Speaker, I desire to be notified when I have consumed five minutes.

The SPEAKER. Very well.

Mr. GRAHAM. Mr. Speaker, this legislation has been before the House, through its committees, for several years. It has been considered thoroughly and in every particular. We have had the benefit of expert advice and have examined all the laws existing in other States on this subject.

Remember that this subject first was legislated upon in 1908. It was a growth from a sentiment existing in the public mind to do an act of social justice. [Applause.] In other words, it meant to take out of litigation the vexatious conditions and defenses that interfered with the prosecution of claims of workmen injured in their work. It meant to equitably adjust all the misfortunes attendant upon the work of any particular industry, and to put the burden of bearing that upon the industry, with an equitable adjustment of compensation. We have now in the United States over 42 compensation laws. We have also the United States Government with its employees' compensation law.

Now, our committee framed one bill called the House bill. Under that the committee was reluctant to take up the inclusion of seamen. Afterwards, when the Senate bill came to us, the question was reopened and rediscussed, and under the dicta of the decision of the Supreme Court it was felt that perhaps this very bill might be imperiled if we did not have uniformity. That is what the judges have all cried for. That is why they have declared unconstitutional in two cases acts of Congress attempting to give these laboring men compensation.

In obedience to that thought, the committee instructed its chairman to prepare a bill including seamen. That was done. A rule was asked for from the Committee on Rules, and, after discussing it for three or four weeks, we were not granted a rule. It became apparent to the committee and it was also apparent to me, who was pleading for this rule, that the objections of some of these gentlemen were apparently well founded, and the difficulty then was to find language which, on the spur of the moment, so to speak, would eliminate the objectionable features from the bill. But, as I said, we were unable to get a rule. As the opposition came in such a reasonable manner I felt constrained to yield to it, and went back to the committee and stated the conditions, and asked them to authorize the elimination of the seamen from the bill. That was unanimously granted, together with several specific amendments to be inserted in the amendment.

The SPEAKER pro tempore (Mr. BEEDY). The gentleman from Pennsylvania has now used five minutes.

Mr. GRAHAM. I will take one minute more.

The bill then received the rule, which came up on Saturday of last week, but owing to the lateness of the hour and the uncertainties attending it, we did not start it on that day. Now, under a motion to suspend the rules, graciously granted by the Speaker, the measure is before you for consideration. It has

been considered in every phase and every condition and circumstance. Hearings were granted, conferences were held, and every endeavor made to secure a bill that would be beneficial to the workmen and not oppressive to the employer and that would not be a destructive burden on the industry; and I think we have accomplished that.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. PEERY. Mr. Speaker, will the gentleman permit a question?

Mr. GRAHAM. I have no more time.

Mr. BLAND. Mr. Speaker, I yield myself five minutes of my time. If anybody wants time, I shall be glad to accommodate them.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield to a question?

Mr. BLAND. If the gentleman will pardon me just a minute, I wish to make a statement first.

Mr. HUDSPETH. I want to ask my friend from Virginia if this is the document we are considering?

Mr. BLAND. That is the document that is being considered, with the amendment which was read by the gentleman from Pennsylvania.

Mr. HUDSPETH. Is the gentleman from Virginia familiar enough with that amendment to explain what that amendment is? I did not catch it from the gentleman from Pennsylvania.

Mr. BLAND. I will undertake to explain it, but I want to say to the gentleman from Texas that I had not seen the amendment until I got a copy of it, furnished to me by the gentleman from Tennessee [Mr. DAVIS]. It will be an attempt to explain an amendment which I have not heretofore had an opportunity to consider.

Mr. HUDSPETH. I am satisfied the gentleman will throw some light on it, but up to this time I have not been able to get any light or information about it.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. BLAND. Yes.

Mr. GREEN of Florida. Will this affect seamen in our local ports and small fishermen?

Mr. BLAND. I am of the opinion that it will.

Mr. GREEN of Florida. The shellfish commissioner of my State seems to be opposed to this legislation, and I was wondering whether or not, in the gentleman's opinion, it would affect the employees on State boats, boats owned by the State of Florida.

Mr. BLAND. I am not sure about that; but I recall very distinctly that there was an exception contained in the bill as first reported by the committee, and I think the exception still runs in this bill as to any State or Government-owned boats. I think that is true.

Now, gentlemen of the committee, this is a more far-reaching bill than its name would indicate. The representation is made, honestly, that this is a longshoremen's bill. At the time longshoremen originally asked for compensation legislation they were met when they brought their suits with such defenses as the fellow-servant doctrine, assumption of risk, and defenses of that kind.

Mr. LAGUARDIA. As well as contributory negligence.

Mr. BLAND. Yes; also contributory negligence. However, there was rendered by the Supreme Court of the United States in October, 1926, a very important opinion, which, to a great extent, satisfied the claims of the longshoremen, for that opinion held that the stevedore or longshoreman should be held to be a seaman within the scope of Federal legislation if, when injured, he was performing on a ship work of the character formerly performed by a member of the crew. The result was that there was taken away from the employer such defenses as the fellow-servant doctrine, contributory negligence, assumption of risk, and other defenses of that character. Thereafter there was not so great an insistence on the part of longshoremen for this character of legislation.

Gentlemen, this bill is particularly far-reaching if read in the light of the presumptions which appear in section 20 on page 31. Those presumptions are: That in any proceeding for the enforcement of a claim for compensation under this act it shall be presumed, in the absence of substantial evidence to the contrary—first, that the claim comes within the provisions of this act; second, that sufficient notice of such claim has been given; third, that the injury was not occasioned solely by the intoxication of the injured employee; and fourth, that the injury was not occasioned by the willful intention of the injured employee to injure or kill himself or another. The result of that is, gentlemen, that when a claim for compensation is filed the presumptions are all against the master or employer and all in favor of the claimant.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. BLAND. Mr. Speaker, I yield myself five additional minutes. I call attention to those presumptions at this time for the purpose of answering the inquiry that was propounded to me a few moments ago.

This bill on page 1 provides that—

> The term "injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury, and includes an injury caused by the willful act of a third person directed against an employee because of his employment.

In other words, if a strike comes on and one of these fellows is injured by a third person, through no fault of the master, the man injured has his right to compensation under this act.

But you are concerned with whether this act applies to fishermen, oystermen, and navigation on our inland waters. Notice the amendment that has been made by the gentleman from Pennsylvania.

> The term "employee" does not include—

What? I will read:

> The term "employee" does not include a master or member of a crew of any vessel, nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net.

Mr. ABERNETHY. Will the gentleman yield?

Mr. BLAND. Yes.

Mr. ABERNETHY. We have the assurance of the chairman of the Judiciary Committee that seamen and oystermen are taken out of this bill and, in addition thereto, that it does not include shipyards.

Mr. BLAND. Oh, the gentleman knows——

Mr. ABERNETHY. And does not the gentleman understand it to be the rule in construing these statutes that they will be considered by the courts exactly as to what——

Mr. BLAND. I understand this: That when there is a matter of very doubtful construction, so doubtful as that the courts are puzzled as to the proper construction, they will sometimes look to the debates to aid them in reaching a decision, but if the language of the act is clear, though in contradiction of the intent expressed in debate, the court will disregard the debate, even though gentlemen on the floor said it was not intended that the act should be so construed.

Mr. ABERNETHY. Will the gentleman yield further?

Mr. BLAND. I will defer to my colleague from Virginia [Mr. MOORE] to say whether that is correct or not.

Mr. MOORE of Virginia. The court has time and time again said it will not regard what is said in debate, and perhaps upon the theory if it did it would have to take what the man who talked most said instead of what the man said who knew most about the measure.

Mr. TYDINGS. How about the Mann Act?

Mr. BLAND. I do not know about that. I can not yield any further. My friend can go to the gentleman from Pennsylvania [Mr. GRAHAM] and discuss the matter with him.

Mr. GRAHAM. Will the gentleman permit a question which he can answer yes or no?

Mr. BLAND. I can not yield now. The gentleman has considerably more time than I have, and I shall have to ask the gentleman to speak in his own time.

The language is, "The term 'employee' does not include a master or member of a crew of any vessel, nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net." It is doubtful that this language would exclude seamen on vessels over 18 tons net or seamen on our coastwise or inland navigation, but if it does it is certain that a man who serves on a fishing or oyster boat for the sole purpose of fishing or catching oysters is not the master or member of the crew, and if the vessel is over 18 tons net, or if he was not engaged by the master, whether the vessel be over or under 18 tons, he would come under the act.

If there is any doubt about this conclusion, if there is still any question as to whether the party comes within the scope of this act or not, then by virtue of the presumptions on page 31, section 21, the employee is brought under the act, for it is said that when a claim is filed it must be presumed to come within the scope of this act.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. BLAND. Mr. Speaker, I yield myself five minutes more.

I want to call attention to another fact in connection with the operation of this act. You are making the master the health

insurer of the people whom he employs. Listen! On the very first page there is this language:

The term "injury" means accidental injury or death arising out of or in the course of employment—

And what?—

Such occupational disease or infection——

Mr. GRAHAM. If the gentleman will permit, the gentleman understands that is the language and the words used in the best compensation laws that have been enacted.

Mr. BLAND. Turn to the statute of New York, which is taken as an example by these gentlemen, and you will find occupational diseases expressly listed in that act.

Mr. O'CONNOR of New York. Will the gentleman yield? Does the gentleman mean that is not in the act?

Mr. BLAND. The diseases are specified in the act.

Mr. O'CONNOR of New York. But they cover practically everything.

Mr. BLAND. That may be true, but when you turn to the New York act and turn to the other similar statutes which include occupational diseases you find the diseases particularly named and you do not leave the matter open in this way. Let a man have any disease whatsoever, or let his finger become infected on an oyster boat, and what is the result? Liability is imposed on the master because the presumptions here are against him, and the employee can bring his claim even after he has withdrawn from the employment.

In the case of the injury the liability is confined to an injury or death which arises out of and in the course of the employment, but as to occupational diseases the bill goes further and includes any occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury.

It will be noted that the liability for injury exists when the injury arises in the course of employment, but if the liability arises for disease, the claim may be made after the employee has left the employer. After his service has ceased, he may file his claim for compensation and contend that he was diseased or infected while he was in the employment of the master. The presumptions are all against the master.

Gentlemen, I wish that time existed to go through this bill and analyze it in all its particulars and show you the vicious principles that are in it. I do not oppose compensation legislation, but I am against this bill. Please remember this, that more of you who have compensation rates below 66⅔ per cent will be face to face in your State legislatures with the constant effort to increase your local rates to the scale that is provided by this bill.

Mr. WELLER. Will the gentleman yield?

Mr. BLAND. I have only a minute or two longer, while the other gentleman has 10 or 15 minutes.

May I also call attention to the fact that this bill gives wide opportunity to bureaus here to appoint deputy commissioners, without limit in number, throughout the entire United States and without any restrictions upon them except that they are to be qualified in some cases by the Civil Service Commission—an unlimited discretion.

The Employees' Compensation Commission is to have the duty placed upon it to exercise the functions contemplated by this bill and men can be appointed anywhere. We heard a little while ago complaints of the order that was issued by Mr. Coolidge that State prohibition officers should be placed under the Federal law. This act is subject to the same criticism which was made at that time, for it gives the United States Employees' Compensation Commission the right to use the State employees throughout the country.

The SPEAKER pro tempore. The time of the gentleman from Virginia has again expired.

Mr. BLAND. Mr. Speaker, I reserve the balance of my time.

Mr. GRAHAM. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. UNDERHILL.]

Mr. UNDERHILL. Mr. Speaker, I dislike to disagree with my friend from Virginia, but the gentleman thinks he has discovered something new here which on the contrary has been long in operation. This is merely an extension of an economic law which has proved effective in practically every State of the Union in every line of industry. This is simply extending it to a certain group of mankind who heretofore have not enjoyed its privileges.

Mr. O'CONNELL of New York. And who heretofore have been denied such privileges.

Mr. UNDERHILL. As a matter of fact, the employer does not stand the expense. It is transferred to industry. The original intent of all workmen's compensation laws was to transfer from society and from the courts the expense of taking care of those injured in industry and transfer it to the industry itself. Incidentally, it gave the worker a square deal and eliminated the ambulance chaser. The expense has been infinitesimal. As a matter of fact, pretty nearly every employer at first opposed the idea of workmen's compensation, but in the great industrial States where it has been accepted, not an employer of labor would go back to the old, archaic manner of trying to take care of injured employees any more than he would scrap a piece of machinery with some slight flaw. It is economic as well as humanitarian. It is for the benefit of society and industry just as much as it is for the benefit of the worker.

You can not return to the old process of taking care of or neglecting the injured human machinery in the way and manner it was cared for several years ago. The expense is too great. It has been found that the expense of caring for workmen injured under a good workable compensation law is almost 50 per cent less than under the old system of court procedure supplemented by local charities. It eliminates to a large extent the delay, suffering hardship, and expense incident to the long time in which it took to reach a case after it was submitted to the court because of the congestion in the courts, with damage cases crowding the docket. Economic, humanitarian, efficient, progressive, and necessary, this bill should pass.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. GRAHAM. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman and gentlemen of the committee, social justice is the keynote of this legislation. It is rather hard, however, to touch even the high points in a measure like this in the short time allotted to me. I must necessarily be very brief in my references to some questions that have been raised here. Because of my experience as a lawyer, and as a State legislator, in compensation matters, when this bill came before the Rules Committee I took exceptional interest in it and since then have taken an active part in getting it before this body for consideration. The opposition to the inclusion of seamen became so great that every reference to them was taken out of the bill before the Rules Committee reported it. Seamen and fishermen were entirely eliminated. Every single person who had any suggestion to make as to entirely eliminating those provisions from the bill was attentively listened to.

The gentleman from Virginia [Mr. BLAND] has made a speech such as, I believe, has not been made in any legislative body in 10 years. Gentlemen, he is opposed to workmen's compensation itself rather than the particular provisions of this bill. After 43 States in the Union, 3 Territories, and the United States Government itself have adopted workmen's compensation as a necessary part of our social system, it is surprising to find even one man at this late date who contends against it. Workmen's compensation is as definitely fixed as an institution of the United States as any one of the great humanitarian and progressive measures that have been adopted in the last generation.

The gentleman from Virginia [Mr. BLAND] objects to certain "presumptions" he finds in the bill, but these same presumptions are to be found in every up-to-date compensation law in the United States.

The State of New York was the pioneer in the field of workmen's compensation laws. In 1911 the New York Legislature passed a workmen's compensation law which was held unconstitutional by the highest court of that State in the case of Ives *v.* The Southern Buffalo Railway Co., reported in Two hundred and fourth New York. That decision necessitated a constitutional amendment, which was added to our State constitution in 1913, and thereafter in 1914 we passed a compensation law which has served as a model for the laws of other States and is the basis of the law we now have under consideration.

Such has been the progress and change in the attitude of public opinion and the courts themselves that many believe that to-day the Ives case would be decided to the contrary and there would be no need of any constitutional amendment to meet the great need of modern society to protect our workmen from the necessary hazards of industry.

In our New York compensation law we included longshoremen engaged on docks, gangplanks, and dry docks, but our Federal Supreme Court has held in Southern Pacific *v.* Jensen (244 U. S. 205) that we are dealing with a subject in admiralty and exceeding our State jurisdiction. Twice has Congress, by amending the Judiciary Code, attempted to give the States jurisdiction over the subject matter, only to be met with the decisions of our United States Supreme Court that this

admiralty jurisdiction was reserved exclusively to the Federal courts and could not be delegated to the States.

In the meantime the longshoremen, engaged in one of the most hazardous of employments, have been relegated to their common law and admiralty rights. Countless cases of hardships could be cited where men engaged in this arduous work failed to receive any damages for their injuries because of the fellow-servant rule, or the rule of the assumption of risk, or the rule of contributory negligence, all of which have been abolished under modern statutes dealing with industrial accidents. Furthermore, any recovery by the longshoreman was long delayed and very often unfairly divided with attorneys.

It has been the effort of all leaders interested in this question of social justice to find a way out of this jurisdictional dilemma. That way was clearly pointed out by Mr. Justice McReynolds in the recent case of The State of Washington *v.* Dawson (264 U. S. 219). The court there stated that Congress had the power to protect these workmen, and this bill carries out the suggestion of our highest court.

In this legislation we are appealing for justice to 300,000 men, 100,000 of whom are employed at the port of New York and along the Great Lakes.

Now, the gentleman from Virginia has spoken of "occupational diseases" being included in this bill, as if that were a departure in such legislation. Why, gentlemen, the acts of the States of California, Connecticut, North Dakota, Wisconsin, and the United States employees' act cover, like this bill, all occupational diseases. New York, Illinois, Minnesota, New Jersey, Massachusetts, and Ohio specify the diseases, but the specification is so broad as to be practically all inclusive.

This is not "health insurance," as the gentleman has said. The disability from disease has to be traced to the occupation and be attributable to the occupation before compensation is paid.

The gentleman from Virginia has criticized the provisions of this bill relating to injuries caused by third parties. Again he loses sight of the fact that it is the usual provision in compensation bills and that the employer has a right of subrogation against the third party.

Now, a word as to the rates in this bill. They are higher than those in some States but are lower than the rates in other States and are lower, I call especially to your attention, than in the bill relating to United States Government employees.

The "waiting period" in this bill is seven days. The laws of Maryland, Utah, Washington, and the United States have provisions for three days. Oregon and South Dakota have no waiting period.

This bill provides for unlimited "medical care," as do the laws of California, Connecticut, Idaho, Nebraska, New York, North Dakota, and the United States, while the following States by discretionary provisions provide, in effect, equal care, to wit, Delaware, Illinois, Indiana, Kentucky, Maine, Massachusetts, Minnesota, Nevada, New Jersey, Ohio, Oklahoma, Oregon, Texas, Utah, and Wisconsin.

The weekly minimum in this bill is $8, identical with that of New York. The maximum is $25. New York is about to raise its maximum from $20 to $25 and New Jersey may raise its maximum. Arizona has no maximum.

The scale of payments is based on 66⅔ per cent of the weekly salary, identical with the provisions of the laws of Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, West Virginia, and the United States. The States of California, Kentucky, Louisiana, and Wisconsin provide 65 per cent.

The one provision of this bill which we from New York do not like is the limitation in case of death or total permanent disability of $7,500.

The following States have no limit on death benefits except the death or remarriage of the widow, to wit: Minnesota, Nevada, New York, North Dakota, Oregon, Washington, West Virginia, and the United States.

The following States have no maximum limit on permanent total disability: California, Colorado, Idaho, Illinois, Montana, Nebraska, Nevada, New York, North Dakota, Ohio, Oregon, Utah, Washington, West Virginia, and the United States.

This limitation should never have been added to the bill, and should come out in conference between the two Houses.

The premium for workmen's compensation insurance is based on the pay roll, and, as the gentleman from Massachusetts [Mr. UNDERHILL] has well said, it does not come out of the pocket of the employer, but is passed on to the consumer. It is estimated that less than 2 per cent of all industrial accidents result in death, and to apply this limitation to such an infinitesimal number of cases would defeat the purpose of the act.

In this connection I call the attention of the House to a communication I have received from an authority on this subject, the Hon. James A. Hamilton, industrial commissioner of the State of New York:

STATE OF NEW YORK, DEPARTMENT OF LABOR,
Albany, N. Y., February 15, 1927.

Hon. JOHN J. O'CONNOR,
House of Representatives, Washington, D. C.

DEAR SIR: I learn that Senate bill 3170, to provide compensation for longshoremen accidentally injured, is about to be considered for passage in the House, and that an amendment to it is likely to be proposed which would limit the total amount of compensation in death cases to $7,500.

I want not only to urge passage of the bill for the sake of making compensation provision for a great number of longshoremen here in New York State who under the court decisions are barred from the benefits of our State compensation law, but at the same time to protest against the proposed limitation in death cases. We have no limitation in such cases in our State law. Any such limitation is objectionable, because in a purely arbitrary way it sets a limit so that when it does operate it imposes hardship in the most needy class of cases, namely, those where there was the greatest amount of dependency upon the deceased wage earner and hence the greatest need of relief when a fatal accident removes the wage earner.

Let me urge you, therefore, not only to vote for the bill but to oppose the amendment referred to, should it come up.

Very truly yours,

JAMES A. HAMILTON,
Industrial Commissioner.

To those who may still be living in the past, let me say, that once workmen's compensation is adopted in a State or an industry the employers, as well as the employees, would never return to the uncertain, inequitable situation which exists at common law.

Workmen's compensation is here to stay. It would be the greatest step backward not to adopt this bill and mete out much-belated justice to the hundreds of thousands of longshoremen whose rights have been so long neglected.

Mr. GRAHAM. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Speaker and gentlemen of the House, in my district, along the great North River water front in the city of New York, are docked the steamships of the Cunard Line, the White Star Line, the Shipping Board Lines, the French Line, the Italian Line, and the giant *Leviathan.* All of the vessels of those lines sailing in and out of the port of New York are docked in my congressional district. I come to you to-day to speak for these splendid men who load and unload these large vessels entering the port of New York. They are the only class of workmen, practically, who are outside the benefits of the workmen's compensation law. The State of New York has tried to give them the advantage of that law, but that law has been declared unconstitutional on two different occasions.

As I heard the gentleman from Virginia [Mr. BLAND] speaking, my mind went back to a time 14 years ago, when I sat in the senate of the State of New York, a bill was before it providing for workmen's compensation. I then heard the same arguments that I heard to-day from the gentleman from Virginia—oh, the employers and the big interests are against it; but, to-day, Mr. Speaker, they are reconciled to it. They would not care to return to the old order of things. Every contract made includes the cost of the workman's compensation, and no employer suffers, because the cost of it is included in the overhead charges, whatever they may be. Many of these longshoremen performed splendid service during the war. They enlisted, and they went to the port of debarkation at France, and there turned over vessels in many instances in 48 hours' time, doing work with magnificent results, doing their part to what we accomplished by our participation in the war.

Forty-three States in the Union and the Federal Government itself have adopted workman compensation laws. Practically every kind of occupation has been covered except that of longshoremen.

Certainly we are not going to leave out of the beneficial protection of the compensation laws these splendid hard-working men who perform such an important part in the wonderful shipping interests of our country.

I do not approve of the limitation contained in the bill, restricting the total amount to be recovered to $7,500. In my opinion this section should be eliminated from the bill. However, as under the rule no amendment can be made, I will vote for the bill as it will provide at least a measure of protection to our longshoremen.

The States of Arizona, Nevada, North Dakota, New York, Oregon, Washington, and West Virginia wisely provide no maximum amount in death cases.

Congress, in the Federal law for Government employees, provided no maximum total amount.

I earnestly request that the House mete out a small measure of justice in helping these deserving men by voting to suspend the rules and pass this meritorious measure. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GRAHAM. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, it is quite possible to explain the purpose and the necessity of this bill in two minutes. About 25 years ago, by reason of the development of commerce and industry, it became imperative to abolish the old common-law defenses which could be then interposed in cases for damage accruing from injuries sustained in industry. Since then workmen's compensation has now been applied to every branch of industry and commerce in the United States. Employers' liability and laws providing compensation have been adopted in every State of the Union. Owing to our dual form of government we find that longshoremen are employed by companies or individuals engaged in foreign or interstate commerce, and therefore there is some question whether or not a State law could be made applicable to them. In order to meet that situation it is necessary to pass a Federal law. This is what they are doing now. This law simply gives the longshoremen the benefit of up-to-date legislation to cover injuries sustained in the course of their employment. That is all there is to it. I yield back the remainder of my time. [Applause.]

Mr. BLAND. Mr. Speaker, I yield the remainder of my time to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, I am in entire accord with the expressions of gentlemen who have advocated the enactment of compensation legislation in the interest of longshoremen. I rise not in opposition to that feature of the bill, because I favor it, but for the purpose of calling attention to the fact, as I view it, that the bill as changed by the amendment proposed by the chairman of the committee includes in the provisions of the bill all seamen, except those engaged on vessels under 18 tons. The reason that I am opposed to the inclusion of the seamen in this act is that the seamen themselves are bitterly opposed to it and have all along protested against being embraced within the provisions of the act. They appeared before the Senate committee and so expressed themselves, and the Senate reported and passed the bill without including seamen in it. The representatives of the seamen then appeared before the House committee and protested against being embraced in the bill, but the bill was first reported so as to include seamen. That was where the controversy arose. In this connection I want to say that the longshoremen themselves have not insisted that the seamen be included. The proponents of this bill are now insisting that the seamen are excluded; but I want to submit for the consideration of the Members of this House, particularly the lawyers, but also to all of you who can understand the English language, some features of these changes.

The bill as first agreed upon, with a view of excluding the seamen, provided as follows:

SEC. 2. (3) The term "employee" does not include a master or seaman as defined in section 4612 of the Revised Statutes as amended.

That provision is perfectly clear and so far as I am concerned would have been perfectly satisfactory to me, and I would gladly support the bill in that form.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. I yield.

Mr. GRAHAM. Did I understand the gentleman to say that this bill applied only to vessels over 18 tons net?

Mr. DAVIS. That is my construction.

Mr. GRAHAM. The language of the bill says those "under" 18 tons net are excluded.

Mr. DAVIS. Here is what the substitute for the section that I have read says, not only in that section but over here. Under the subtitle "Coverage" we find section 3, as follows:

Compensation shall be payable under this act in respect of disability or death of an employee, but only if the disability or death results from an injury occurring upon the navigable waters of the United States (including any dry dock), etc.

Then we find on page 5 the following:

No compensation shall be payable in respect of the disability or death of—

(1) A master or seaman as defined in section 4612 of the Revised Statutes as amended.

But both of those provisions, defining the term "employee," and making the exceptions, have been stricken out and they have inserted in lieu thereof the following language, and I want you to listen to it and see if you do not agree that it is restricted alone to vessels under 18 tons net:

The term "employee" does not include a master or member of a crew of any vessel nor any person engaged by the master to load or unload or repair any small vessel under 18 tons net.

And there is not a comma or other punctuation point at all in the whole sentence except a period at the end of it. The whole sentence is modified by the words "vessel under 18 tons net." The only employees excluded from the operation of the act are a master and crew of a vessel under 18 tons, and those engaged by the master to load or unload or repair a vessel under 18 tons.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. GRAHAM. Mr. Speaker, I wish to say in reply to the statement of my friend from Virginia [Mr. MOORE] that the courts do take cognizance of statements made in construing constitutions and laws, not because debates are authority but because they are informative and add a little light in arriving at what was intended by the legislature.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. No; I regret I can not yield.

I wish to say finally to the House that this bill which is now presented, while it is not entirely satisfactory to each side, both sides have united in asking to have it passed. The representatives of the longshoremen and representatives of the employers have both united to ask for the adoption of this measure. Of course, when you are legislating and there are conflicting interests you can not expect to satisfy both of them, but this bill does measurably satisfy both sides, and they ask you to pass it as it is. [Applause.]

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The time of the gentleman from Pennsylvania has expired. All time has expired. The question is on the motion of the gentleman from Pennsylvania [Mr. GRAHAM] to suspend the rules and pass the bill.

The question was taken.

The SPEAKER. In the opinion of the Chair——

Mr. BLAND. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Virginia demands a division.

The House divided; and there were—ayes 265, noes 7.

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The SPEAKER. Without objection, House Resolution 436 will lie on the table.

There was no objection.

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

Mr. FENN. Mr. Speaker, I move to suspend the rules and put upon its passage the bill H. R. 17378, with an amendment.

The SPEAKER. The gentleman from Connecticut moves to suspend the rules and pass the bill H. R. 17378. The Clerk will report the bill and amendment.

Mr. RANKIN. Mr. Speaker, I reserve all points of order.

The SPEAKER. Under suspension of the rules points of order are waived. No point of order can be made against the motion to suspend the rules. The Clerk will report the bill as amended.

The Clerk read the amended bill, as follows:

Be it enacted, etc., That after the 3d day of March, 1933, the House of Representatives shall be composed of 435 Members, and these Members shall be apportioned among the several States in the manner directed in the next section of this act.

SEC. 2. That as soon after the next and each subsequent decennial census of the United States as the aggregate population of each State and of the United States shall have been ascertained and duly certified by the Director of the Census, it shall be the duty of the Secretary of Commerce, on the basis of these results, to apportion 435 Representatives among the several States by the method known as the method of equal proportions, based on the principle that the ratios of population to Representatives shall be as nearly as possible the same in all States: *Provided*, That each State shall have at least one Representative.

SEC. 3. That when the Secretary of Commerce shall have apportioned the Representatives in the manner directed in the preceding section of this act among the several States under the fifteenth or any subsequent decennial census of the inhabitants of the United States he shall, as soon as practicable, make and transmit under the seal of his office to the Clerk of the House of Representatives a certificate of

the number of Representatives apportioned to each State under the then last decennial census.

SEC. 4. That the Clerk of the House of Representatives shall forthwith send to the executive of each State a certificate of the number of Representatives apportioned to such State under the then last decennial census.

SEC. 5. That in each State entitled under this act to more than one Representative the Representatives to which said State may be entitled in the Seventy-third and each subsequent Congress shall be elected by districts, composed of contiguous and compact territory and containing as nearly as practicable an equal number of individuals, and in number equal to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative: *Provided, however,* That nothing in this act contained shall be construed as preventing the legislature of any State by concurrent resolution redistricting the State in accordance with the provisions of this act for the purpose of electing Representatives to any Congress prior to the Seventy-third Congress, and subsequent to the passage of this act, and nothing herein contained shall be so construed to prevent redistricting to elect Representatives to the Seventy-third or any subsequent Congress, and upon any such redistricting the Representatives to the Seventy-third Congress, or any Congress prior or subsequent thereto, shall be elected from the new districts so formed.

SEC. 6. That in the election of Representatives to the Seventy-third or any subsequent Congress in any State which under the apportionment provided for in section 2 of this act is given an increased number of Representatives, the additional Representative or Representatives apportioned to such State shall be elected by the State at large, and the other Representatives to which the State is entitled shall be elected by districts until the legislature of the said State shall redistrict it according to the provisions of section 5 of this act.

SEC. 7. That in the election of Representatives to the Seventy-third or any subsequent Congress in any State which under the apportionment provided for in section 2 of this act is given a decreased number of Representatives, the whole number of Representatives to which such State is entitled shall be elected by the State at large until the legislature of said State shall redistrict it in accordance with the provisions of section 5 of this act.

SEC. 8. That candidates for Representatives at large shall be nominated, unless the State concerned shall provide otherwise, in the same manner in which candidates for governor in that State are nominated.

The SPEAKER. Is a second demanded?

Mr. RANKIN. Mr. Speaker, I demand a second.

Mr. FENN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Connecticut is entitled to 20 minutes and the gentleman from Mississippi is entitled to 20 minutes.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the time be extended to 30 minutes on a side.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the time for debate on this bill be extended 10 minutes on each side. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, I object.

Mr. FENN. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. MCLEOD].

Mr. McLEOD. Mr. Speaker and gentlemen of the House, the question of reapportionment is one of the most important questions this Congress has to consider. Because of the manner in which it has been necessary to bring up this bill, I believe it is entitled to the very careful thought of every Member.

Gentlemen, we have been assembled here in the Capitol of the Nation for many months, transacting the public business. We have been called upon to consider more than 17,000 bills, some of which are of great importance to large numbers of people. It is recognized as impossible to consider all matters to which our attention is directed, and it is difficult to choose from among the many proposed measures those which are most worthy of our discussion as Representatives, setting forth to the best of our ability the views of the people back home. Not all of these 17,000 bills, I trust, may be considered matter of life and death to certain groups of our people. Certainly the life of no American citizen is so insignificant that it will lack the protection which Congress can give.

But the maintenance of Government, upon which our greatest welfare depends, has always required certain sacrifices on the part of individuals and of particular groups. Out of many acts which would operate for the benefit of our citizens, it is only good judgment to choose that which will be productive of the greatest and highest good. I refer to the maintenance of our representative form of government.

There are many duties imposed upon us by the high office in which we have been placed by confident constituents, which we know are somewhat dimmed in their significance through the necessity of constant repetition. There is one duty, expressly laid upon us by the Constitution, which, I fear, is neglected through lack of repetition. The duty made mandatory upon us by Article I of the Constitution, to "apportion the Representatives among the various States according to their respective numbers," challenges our capacities only once in every 10 years.

I beseech you, gentlemen, to reflect for a moment upon the sacred trust we have in our hands, to preserve our Government upon the broad principles of equality and justice which characterized its founding, and decide whether this Congress can afford to adjourn without having enacted a law to provide for the apportionment of the seats in this House.

I submit that to do so will be no less than continued usurpation of power by the Congress. We are all agreed that this legislative body has only those powers which are delegated to it by the Constitution. We, as reasonable men, can not equivocate in reading the Constitution. I give you its exact language:

ARTICLE I, SECTION 2

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, * * * The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct.

I can not follow the mental gymnastics of those who say that this language does not mean that Congress must apportion its seats every 10 years. Such interpretation does not appear to me to be reasonable and I am convinced that on this proposition I stand with the great majority of legal authorities, as well as with the great body of American people.

But regardless of the technical legal power conferred upon the Congress, it has the ability, by merely failing to act, to let apportionment go by the board, and there is no power to enforce the higher authority of the Constitution. I say there is no power; that is, there is no statutory penalty for not obeying. But there is a moral obligation backed by the weight of public opinion.

Gentlemen may say, it is true that Congress has not apportioned the seats in the House for 16 years, but what of it? Nobody is harmed. In answer to that, let me read what many citizens and organizations of Michigan, California, Ohio, and other States have expressed in letters and resolutions similar to the following one:

Whereas the Constitution of the United States requires the Congress to apportion the seats in the House of Representatives to the various States according to their respective numbers, following each decennial census, and

Whereas the Congress prior to 1920 has always reapportioned the seats in the House promptly in accordance with each census in order that the Members elected at the next succeeding election may represent proportionately the people of the various States; and

Whereas the Congress has been in default of its duty in this respect since the census of 1920, resulting in the grossest disfranchisement of many millions of our citizens in industrial cities and districts such as we have in Detroit and vicinity; and

Whereas the State of Michigan, in 1920, had a population of 3,668,412 and 13 Representatives, which is a proportion of 1 Representative to every 282,186 people, while the proportion for the entire country was 1 Representative to every 243,013 people; and

Whereas we, the people of Detroit, the greatest industrial city in America, with a population of more than 1,200,000, have only two Representatives in Congress; and

Whereas there can be no acceptable excuse for depriving certain States of representation to which they are entitled by the Constitution, while other States are enjoying more than their proportion of seats in the House of Representatives: Be it therefore

Resolved, That we earnestly request your active support of the movement to pass the McLeod reapportionment bill, H. R. 413, before the close of Congress on March 4, 1927, in order that further injury and injustice be prevented; that continued violation of the Constitution will not set a precedent which may have the most serious consequences, and in order to avoid the disgrace which will come to us as a Nation if we fail to preserve representative government constitutionally exercised.

Gentlemen may say that Congress has always known what is best for the country, and it has felt for some time that it was not wise to upset the existing scheme of things to carry out a plan of reapportionment, even though it be required by the Constitution.

Does Congress have the right to say what is best for the country, in violation of the Constitution? One hundred and fifty years ago George III of England flouted the rights of his

subjects as manifested in their constitution. The result was a war of independence, and the birth of a new nation. The grievance which stands out in our memory as the battle cry of that struggle is, "No taxation without representation." The spirit of that slogan won the war and impelled the founders of our Government to reduce to writing those principles of government which would forever prevent the usurpation of sufficient power to tax citizens and at the same time deprive them of just and equal representation. And yet has not the failure of Congress to apportion the Representatives for a period of 16 years produced just that situation? The State of Michigan, which ranks fourth in the total amount of income tax paid to the Federal Government, is forced to get along with the same number of Congressmen she had 16 years ago. The fact that Michigan, along with several other States, has had phenomenal growth in population and wealth during the last 16 years, has had no recognition at the hands of Congress.

Our forefathers, in their farseeing wisdom, provided for the unequalities of growth which they knew must necessarily take place in this country. They were well aware that the process of usurpation is gradual and sometimes so imperceptible as not to be recognized for what it is. They could not conceive of a truly representative body in our Government, such as our House of Representatives, succumbing to this pernicious evil. Their problem, then, was to keep it representative. Article I, section 2, of the Constitution was devised for that purpose, and given the leading position in the document, indicative of its preeminent importance. For unless the truly representative character of this legislative body is preserved, we will no longer have a representative form of government.

The authors of the Constitution had just previously to framing that document participated in the Declaration of Independence, and in order to refresh ourselves as to just the nature of the trust we bear, let us refer also to the principles of government expressed in the latter declaration:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and institute new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem more likely to effect their safety and happiness.

In order that the wisdom of our forefathers may be vindicated, and the trust which they imposed in this honorable body be not destroyed, I call upon the Members of this House to pass this bill now, which, if not abiding closely to the Constitution, has the saving grace of doing so at the earliest practicable time.

A few of the facts I want to bring out I will state briefly. In the first place, it is more than 100 years after a decennial census has been taken that a Congress has failed to reapportion. It is the consensus of opinion amongst the outstanding constitutional lawyers of the country that it is mandatory in the Constitution that the Congress shall be apportioned after each decennial census. That the grossest disfranchisement of citizens of the United States in certain States of the Union exists is undisputed.

This bill, gentlemen, is different from any bill that has yet been considered by the House. It is different in that those States which feel there is a possibility of losing seats in the House will still have a sportsman's chance and will not know at the present time exactly what the 1930 census will disclose, and therefore can not tell exactly whether they will lose any seats or not.

The method proposed in this bill is known as "equal proportions." Equal proportions is considered by outstanding statisticians as the most equitable method to be used in apportioning Congress. In support of that statement let me read you a list of the authorities who back it up:

E. E. Day, dean of the school of business administration, University of Michigan.

E. Dana Durand, former Director of the Census, now of the Bureau of Foreign and Domestic Commerce.

Truman L. Kelley, professor of education and psychology, Stanford University.

H. L. Rietz, head of the department of mathematics, University of Iowa.

Leonard P. Ayres, vice president Cleveland Trust Co.; president American Statistical Association.

Irving Fisher, professor of political economy, Yale University.

Robert Henderson, second vice president and actuary Equitable Life Assurance Society.

Raymond Pearl, director of the institute for biological research; research professor of biometics and vital statistics, Johns Hopkins University.

H. W. Tyler, head of the department of mathematics, Massachusetts Institute of Technology.

Frederick C. Mills, professor of statistics, Columbia University.

W. H. Roever, professor of mathematics, Washington University.

E. R. Hedrick, professor of mathematics, University of California, southern branch.

W. F. Osgood, professor of mathematics, Harvard University.

J. W. Young, professor of mathematics at Dartmouth College.

R. G. D. Richardson, secretary Mathematical Society.

W. L. Crum, assistant professor of economics, Harvard University.

They all agree that this is the fairest method of apportionment.

The bill provides that the apportionment shall be made by the method which has come to be known as the method of equal proportions. I have not time to go into the subject in any detail. The question is one to which the committee gave very careful consideration. It went into the subject very thoroughly and heard statements by Prof. Walter F. Willcox, of Cornell University; Prof. Allyn A. Young and Prof. E. V. Huntington, of Harvard University; and Dr. Joseph A. Hill, assistant to the Director of the Census. As stated in the bill, the method of equal proportions is based on the principle that the ratio of population to Representatives or the number of people per Representatative shall be as nearly as possible the same in all the States. It is not possible to make it exactly the same. To do that we would have to allot fractional parts of a Representative, which, of course, can not be done. That being the case, it becomes a question of making the congressional districts as nearly uniform as it is possible to make them in the apportionment of a given number of Representatives, and it can be mathematically demonstrated that the method of equal proportions accomplishes that result.

In the past there has been no uniformity in the method followed in the apportioning of Representatives. Different methods have been applied at different times. The method used in the first apportionment, that of 1790, was discontinued after 1830. In 1840 a method was applied which was similar to the method of major fractions, but that method was not continued at that time. It gave place to a different method in 1850, which continued to be followed with some deviations down to and including the apportionment of 1900. Then as that method of 1850 proved to be faulty, developing certain defects and anomalies, it became necessary to abandon it, and in 1910, without very much discussion of the question, the method known as that of major fractions was applied as devised by Prof. Walter F. Willcox, of Cornell University. But soon after that, or at about that time, at the request of Senator Sutherland, chairman of the Senate Committee on the Census—then in existence—the question of method was submitted to the census advisory committee, which was composed of three representatives of the American Economic Association and three representatives of the American Statistical Association.

The membership of that committee included—

Carroll W. Doten, Massachusetts Institute of Technology.

E. F. Gay, Harvard University.

W. C. Mitchell, Columbia University.

E. R. A. Seligman, Columbia University.

Allyn A. Young, Harvard University.

W. S. Rossiter, the Rumford Press, Concord, N. H., formerly chief clerk of Census Bureau.

The census advisory committee went into the question very thoroughly, and reached the conclusion that the method of equal proportions complied with the conditions imposed by a literal interpretation of the Constitution and was logically superior to the method of major fractions.

All the leading mathematicians to whom the question has been referred have almost without exception indorsed the method of equal proportions as against the method of major fractions.

We are nearing the time when another census will be taken, and it is a question whether we want to create the precedent of not passing a reapportionment bill and whether we will allow certain States inadequate representation or whether we will continue along the same line as has been followed in past history of "taxation without representation," at least without equal representation. I believe, gentlemen, that is one of the strongest arguments, for we have not sufficient representation for certain States, and yet they pay an equal tax with other States.

Mr. ABERNETHY. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. ABERNETHY. Is there anything in this bill that permits the Secretary of Commerce to use any discretion about reducing representation in any State?

Mr. McLEOD. There is not. Those of us who long for justice should let the Government of the day respond to the Constitution. It is hard for him who strives to please to be successful in a desire to be honest. Especially is this true when the attempt is to please both you and me. There is no desire so beclouding to unbiased perception as the selfish desire. The commandments of principle are universal and impartial. They steady us in the moment of passion, they lengthen our view in the instant of urgent desire, and broaden our vision when the consideration of self seems paramount. These commandments admit of no exceptions, no realm of human action is exempt from their united judgment. Let us meet this issue squarely and pass this bill to-day. [Applause.]

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McLEOD. Mr. Speaker, under permission to extend my remarks I desire to call the further attention to an important and patriotic measure, namely, H. R. 15669, which I introduced in the House of Representatives January 3, 1927, and which was introduced in the Senate on the same day by Hon. RALPH H. CAMERON. In order to demonstrate the tremendous interest in the proposal contemplated by this bill I introduce into the RECORD in connection with a copy of the bill, H. R. 15669, a number of letters which were forthcoming spontaneously upon the introduction of the bill from some of our most prominent citizens and organizations of standing.

The matter referred to is as follows:

[H. R. 15669, 69th Cong., 2d sess., January 3, 1927]

Mr. McLEOD introduced the following bill; which was referred to the Committee on Foreign Affairs and ordered to be printed:

A bill to provide for the creation of the Pan American peoples great highway commission, and for other purposes

Be it enacted, etc.—

TITLE 1.—PAN AMERICAN PEOPLES GREAT HIGHWAY COMMISSION

ORGANIZATION AND ADMINISTRATION

SECTION 1. (a) There is hereby established a commission to be known as the Pan American peoples great highway commission—hereinafter in this act referred to as the commission—and to be composed of the following:

(1) The Secretary of State.
(2) The Secretary of the Treasury.
(3) The Secretary of War.
(4) The Attorney General.
(5) The Postmaster General.
(6) The Secretary of the Navy.
(7) The Secretary of the Interior.
(8) The Secretary of Agriculture.
(9) The Secretary of Commerce.
(10) The Secretary of Labor.
(11) The Director General of the Pan American Union.
(12) Three individuals appointed by the President, by and with the advice and consent of the Senate. The President will appoint one of the individual commissioners as chairman of the commission. No more than two of such individuals shall be from the same political party.

(b) The three individual commissioners shall constitute an executive committee and will carry on such work as directed by the commission.

(c) Vacancies in the commission shall not impair the power of the remaining members to execute the functions of the commission, and shall be filled in the same manner as the original appointments. A majority of the commissioners shall constitute a quorum for the transaction of the business of the commission.

(d) The commission—
(1) Shall maintain its principal office in the District of Columbia.
(2) Shall have an official seal which shall be judicially noticed.
(3) May accept the services of any person without compensation.

SALARIES

SEC. 2. Each appointed commissioner shall receive compensation at the rate of $10,000 per annum, payable monthly, together with necessary traveling expenses and expenses incurred for subsistence or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from his official residence in the performance of duties required by this act. The commissioners ex officio shall receive no additional compensation for their services as commissioners.

PERSONNEL AND EXPENDITURES

SEC. 3. The commission may (1) without regard to the civil service laws appoint a consulting engineer, with or without salary; and if paid a salary, shall receive $6,000 per annum; (2) appoint a chief engineer, who shall receive a salary at the rate of $6,000 per annum; and (3) appoint, without regard to the civil service laws and without regard to the classification act of 1923, and fix the salaries of such technical assistants and experts, translators, and such other officers, employees, and agents, and make such expenditures (including expenditures for personal services and rent at the seat of the government and elsewhere; for law books, books of references, and periodicals; maps and mapping; engineers' surveys; printing, binding, and mailing), and other equipments as may be found necessary for the execution of the functions vested in the commission and as may be provided for by the Congress from time to time. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman.

SPECIAL DUTIES OF THE INDIVIDUAL COMMISSIONERS

SEC. 4. (a) It will be the immediate duty of the individual commissioners, in a body, or singly, and at various times, to visit Mexico, Guatemala, Salvador, Honduras, Nicaragua, Costa Rica, Panama, Colombia, Venezuela, Brazil, Ecuador, Peru, Bolivia, Chile, Paraguay, Uruguay, Argentina, and Canada and explain fully to the various government officials for purposes for which the commission is created;

(b) Confer with the government officials of the 17 republics; determine means and plans to promote and procure, the establishment and upkeep of a continuous improved highway to be opened in the shortest possible time for lawful traffic, from Canada, across the United States and across the 17 republics; to link together the capitals of the 19 countries by the main highway or by a branch highway; that the highways should be in every particular an up-to-date first-class surfaced highway; built of the best permanent materials and workmanship known in highway construction suitable for automobile and motor traffic and other lawful traffic; that the rights of way through the tropical forests and jungles should be in width fully 200 feet or more with at least a 24-foot surfaced highway located wherever most desirable on the right of way; that it is of special importance the right of way through the dense forests and jungle be kept clean of brush and trees in order to afford a possible landing place for aircraft when suddenly forced down by storms, engine trouble, lack of fuel, or other causes; also that regular landing fields should be provided for at proper locations along the highway; that the dirigible is obviously soon to become an important factor in the transport of passengers, mails, and express freights within, as well as between the nations; that the highway should afford an opportunity for a safe forced landing and for securing aid from people near the accident; that it is plain that the automobile, motor truck, and aircraft are a necessary equipment for the peoples and governments of all of the nations, and that the highway is as important for one as for another nation in development of country, of commerce, and of social, economical, and political affairs; that upon all of the peoples and their respective governments, the construction and upkeep of the highway within their respective borders shall rest entirely; that the commission, cooperating with the officials of the various nations may give its friendly approval to the plans for construction and upkeep of the highway along the most direct and feasible route from border to border, and give its moral support to the various republics who may issue highway bonds or other class of financial obligations in order to secure funds from bankers and financial houses to cover construction and maintenance of such parts of the highway approved;

(c) The commission will confer with Canadian officials and determine which border point presents the most advantageous junction with Canadian highways, now in operation or under construction; for example, in case that Detroit, Mich, and Windsor, Canada, are selected as the most advantageous connecting point for the junction of the highway with the Canadian highways, or any other place or point;

(d) The commission is authorized to make preliminary examinations with the view to the construction of the highway from such Canadian junction point as designated by the commission, and running in a southerly direction to the Mexican frontier; the highway route to be as direct as practicable between such points, except where, in the judgment of the commission, physical conditions, excessive costs, or other reasons render deviation necessary; making use of any part of the route for the international highway any local highway or portion thereof which has been constructed or is under construction;

(e) The commission to confer with the Government officials of Mexico, and with their sanction determine the border point presenting the most advantageous junction with Mexican highways now in operation or under construction, to cross Mexico to the Guatemala frontier. For example, in case that Laredo, Tex., and Laredo, Mexico, are agreed upon as the most advantageous junction point, then the commission

will complete its studies of the proposed cross-country highway from Canada to the Mexican border. The highway from Canada to the Mexican border shall be named the Pan American Peoples Great Highway;

(f) The commission and its engineers will offer their personal assistance in all matters to hasten the work in all of the countries, the object being to stimulate the interest in the project, secure surveys, and actual construction to be commenced as near simultaneously as possible within all countries.

REPORT

SEC. 5. The commission shall submit to the Congress a preliminary report of the examinations, maps, and surveys of the proposed highway across the United States, reports of understandings with the respective officials of the 18 countries named on or before two years after the passage of this act; and may make from time to time such other reports as the commission may deem advisable.

APPROPRIATION

SEC. 6. There is hereby authorized to be appropriated, out of the money in the Treasury not otherwise appropriated, the sum of $200,000, to be available until expended for expenses incurred in the administration of the functions vested in the commission by this act. The terms of the office of the three individual directors shall expire one at the end of the fourth year, one at the end of the fifth year, and one at the end of the sixth year after the date of their appointment, conditionally that they may be removed at the pleasure of the President. Other members of the commission appointed by virtue of their official positions shall serve as such members only during their incumbency in their respective offices. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor.

LIABILITY OF THE UNITED STATES

SEC. 7. The United States shall assume no liability, directly or indirectly, for the construction, equipment, and upkeep of the proposed highway beyond its borders.

GENERAL MOTORS CORPORATION,
Detroit, Mich., January 29, 1927.

Hon. CLARENCE J. MCLEOD,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN: First, let me say that I think the idea of a Pan American great highway is one of immense possibilities, not only for the future, but for the present.

For the present, because it will be a great ideal around which to focus discussion and attract attention to the importance of highways for all of the Pan American countries, and it will have a great influence upon the road building generally, long before the highway itself can be completed. In that it will be like our Lincoln Highway 10 years ago.

The first American Congress of Highways was suggested by one of the Latin-American countries at a Santiago Pan American meeting, and then we were able to take it up and push it along. As a matter of fact such a great highway has been proposed before and I think the proposal came from Latin America, and if the idea of this commission could be tied up to that proposal it might be helpful in getting similar action in all other countries.

Our chamber representative at Washington sent me your bill and I wrote him saying that the chamber would "of course, be favorable to the idea, and I think it is very wonderful to have an ideal to hold up." I feel very sure that everybody in the United States interested in roads is favorable to the proposal.

If the present session is so short that these bills are not considered to a conclusion, some similar bill will, I hope, be introduced by you again at the next session, when it might be possible to precede it with some resolution introduced by a Latin-American country at the next Pan American Congress of Highways, which is called in Rio for July.

Yours truly,

H. H. RICE.

GROSSE POINTE FARMS, MICH.,
February 3, 1927.

Hon. CLARENCE J. MCLEOD,
House of Representatives, Washington, D. C.

DEAR MR. MCLEOD: I am advised by Mr. Gael S. Hoag, secretary of the Lincoln Highway Association, that you have introduced a bill into the House, being H. R. 15669, looking to the construction of a broad highway for motor-vehicle transportation and airplane landing stations to connect North and South America.

I think such an undertaking is not only possible of accomplishment by international effort, but it is in the highest degree wise and practicable.

Nothing ever looked to me more hopeless and difficult than the super-effort I made, aided by stalwart supporters of the cause, to establish the Lincoln Highway as an object-lesson road to America particularly and to all the world!

At a conference with all the governors of the States which the Lincoln Highway, as I laid it out, traversed, which conference was held at Colorado Springs some 15 years ago, I received great encouragement for the plan but dubious expressions as to the possibility of accomplishment; yet now witness the vast results from the puny seeds we sowed in advocating concrete roads in our proclamation of route.

We advanced the accomplishment of good roads, beyond the question of a doubt, by many years. We built sample miles of concrete road in each county where we could gain permission, and at first with great difficulty was such permission gained. The arguments were that the concrete would sink out of sight in the spring mud under the heavy loads. Gradually, across Illinois and Iowa, we succeeded in getting sample miles of concrete highway laid in several counties.

I gathered the idea of the value of concrete roads from the advance experimental work in such road building done under the direction of Mr. E. N. Hines, commissioner of the Wayne County road commission.

As a result concrete roads now cover America from end to end and are still being rapidly extended and broadened into vast arteries of travel, bringing all America into closer relationship! The good-roads development, supplemented later by the wonderful amateur radio communication, has knit together the American people as could never otherwise have been possible!

So also will such a Pan American highway as you propose knot together the nations of the Americas, who are already in close radio communication by amateur radioists all over the two continents.

I sit in my home and hold communication, as an amateur radioist, with others all over America and Canada, and amateur radioists in their homes all over America are holding communication all over the world—from Australia and Japan to Russia and from pole to pole.

The farseeing wisdom of Secretary Hoover in encouraging and protecting amateur radio communication has been one of the most beneficial and one of the strongest influences in behalf of closely international friendship.

In my opinion, your Pan American highway can not fail to strike a most responsive chord among all the peoples of the American continents.

Very sincerely yours,

HENRY B. JOY.

SYRACUSE, N. Y., *February 14, 1927.*

Hon. C. J. MCLEOD,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: It seems clear that the importance of motor-vehicle transportation would justify the enactment into law of Senate bill 5031, introduced in the Senate by Senator RALPH H. CAMERON, of Arizona, and referred to the Committee on Post Offices and Post Roads, and introduced in the House by Congressman C. J. MCLEOD, of Michigan, and referred to the Committee on Foreign Affairs.

The bill, if enacted, would not commit the Government to any large expenditures of money unless the proposed commission should find the proposed highway both feasible and desirable.

Personally, I believe such a highway would be one of the great assets in the commercial development of the United States and a very important means of helping this country and the peoples in the countries to the south of us in understanding each other and in producing a spirit of good will between them.

As world matters now stand, it seems important that the countries of North America and of South America recognize their common interests and cooperate with each other in promoting them.

Yours very truly,

H. H. FRANKLIN MANUFACTURING CO.,
H. H. FRANKLIN, *President.*

1513 O STREET NW.,
Washington, D. C., March, 1927.

Hon. CLARENCE J. MCLEOD,
House of Representatives, Washington, D. C.

MY DEAR SIR: While passing the winter at Key West I was requested by representatives of the chamber of commerce of that city to use my influence to write letters to Representatives and Senators in Congress with the view of influencing them to aid in the construction of the Over Seas Highway planned and partly built from Key West to the mainland of Florida and to the city of Miami. It was thought that this Over Seas Highway could be incorporated in and made part of the international highway to be built from Halifax to Habana and extended from Cuba to the nearest point in Central America, the latter portion, of course, to be overseas and not overland.

I was well impressed with the general idea and was about to write some letters when I received from Arthur C. Jackson, president of the National Good Roads Association, a copy of your bill which I read with great interest and with entire approval. I said if the provisions of this bill can be carried out, it will cut the Gordian knot, so I postponed my purpose of writing to Members of Congress and came to Washington about two weeks before the final adjournal. I said to Mr. Jackson it was our duty to aid in the passage of that bill and also in the passage of the resolution then pending to provide for the appointment of delegates to represent the United States in the international road conference to be held at Rio Janeiro next July. Mr. Jackson and

myself had cooperated together for many years in the preliminary stages of highway development by which the old method of taxation and the distribution of funds was changed to the State and national aid now prevailing, with such beneficial results to the States and the Nation. The National Good Roads Association was the pioneer organization which for many years carried on the agitation which finally resulted in the establishment of the present system. Col. W. H. Moore was the first president of the association and Arthur C. Jackson was the second president. The writer was the Director of the Office of Public Roads during the McKinley and Roosevelt administrations, and we all cooperated together effectively and beneficially to produce the final result. In the beginning of the agitation most of the people were against it. The farmers were against it because they thought it meant added burdens of taxation for them. The railroads were against it because they thought it would be a competition in transportation. The cities were against it because they needed all their money to pave their own streets and no great interest, no great fortune, no great cities, nor the United States itself contributed to the general fund out of which these roads had to be built and are now built. It was very laborious work, taking many years of time to accomplish this great purpose. I am thinking that it may be necessary to explain more fully in detail to our people again what would be the beneficial results that would follow if the plan and provisions of your bill should be successfully carried out. The transformation which has already taken place in consequence of our present system of road building should teach us some of the beneficial results which would be sure to follow.

Probably the most remarkable and important economical change that has taken place in the history of civilization has followed on account of the successful introduction and operation of cheap overland transportation. All this is so recent and has worked such a revolution in industry that we hardly appreciate what has happened and are staggered by the results. The great increase in wealth and population in our country has resulted from this cause. There are men still living that are older than the city of Chicago. More progress has been made in our country industrially in 50 years than was accomplished in England in 1,000 years, but it never happened until we secured cheap overland transportation by steel railways, electric railways, and automobiles. This great and beneficial change expresses itself by concentration of wealth and population in our cities and centers of industry. The increased power of production never occurs except in connection with this concentration because it only follows when we can take advantage of the invention of machinery, the application of power, and the division of labor.

Much was said recently in the House of Representatives in connection with the farm bill for the relief of the agricultural industry. Some Members of the House attempted to ridicule Henry Ford's idea of relieving the farmer by bringing to his aid the beneficial results already mentioned above, but Mr. Ford knows that can never be done as long as primitive and solitary methods of production are employed; therefore he says let the farmer move his house and family to the centers of agricultural industry and go out to his labor with this new and wonderful means of transportation which consists of an automobile running over a smooth, hard road. The wise men from the East and the wise men from the West congregated in the House of Representatives seemed to indicate by what they did and said that Mr. Ford was wrong in the solution of this problem. I do not hesitate to say, as one having the greatest opportunity of observation and many years of experience, that Mr. Ford is entirely right in his conclusions. Ten men can easily produce what 100 men were required to produce only a generation ago. Therefore it is not necessary for more than 1 in 10 of our people to devote themselves to the production of food, and nearly all of them can live in industrial or agricultural villages, where they will have the benefits of modern civilization and can go out to the land for the purpose of cultivation and return to their homes for the benefit of society and other economic gains. This process will lighten the farmer's burden and double the rewards of his labor. Your bill provides the very thing to hasten this most desirable result, and Mr. Jackson and myself, as probably the only living representatives of the old Pioneer Association—that is, the National Good Road Association—desire to offer our assistance and encouragement for the final passage of your bill.

I inclose herewith two clippings—one an interview lately given by Henry Ford in Canada and the other an editorial by Brisbane Walker. I also call attention to my testimony given before the Senate Committee on Post Offices and Post Roads of the Sixty-seventh Congress, first session, Senate bill 1355.

Respectfully submitted by,

MARTIN DODGE.

THE NATIONAL GOOD ROADS ASSOCIATION AND THE
INTERNATIONAL GOOD ROADS AND AUTOMOBILE ASSOCIATION,
Washington, March 10, 1927.

Hon. CLARENCE J. MCLEOD,
Washington, D. C.

DEAR MR. MCLEOD: The National Good Roads Association and the International Good Roads and Automobile Association wish to promote in every way possible a larger interest in permanent highway construction in every State and nation; and these organizations will gladly join in any movement anywhere that promises beneficent results.

The history of the National Good Roads Association has been one of continuous and successful promotion of the good-roads movement since its organization in 1900, and the good-roads movement in nearly every State had its inception in conventions held by the National Good Roads Association. More than a thousand county, State, national, and international conventions and congresses have been held and hundreds of thousands of good-roads addresses have been distributed.

As the result of our National Good Roads Congress at Chicago, June 15, 1908, and at Denver, June 6, 1908, called that the results of its deliberations "may be presented for the consideration of the coming national conventions, all legislative bodies and the public generally," the Republican National Convention at Chicago and the Democratic National Convention at Denver adopted good-roads planks in their platforms.

Our second national good roads congress was held at Johns Hopkins University, Baltimore, May 18, 19, 20, and 21, 1909, and in Washington May 22, 1909. It was opened by Cardinal Gibbons and addressed by Vice President Sherman, Speaker Cannon, Governor Crothers, and many of the most prominent men in public life.

Our third national congress was held at Niagara Falls, N. Y., July 28, 29, and 30, 1910, and was addressed by Governor Suizer and other distinguished good-roads advocates from 11 States and from Canada.

Our fourth national congress was held at Birmingham, Ala., May 23, 24, 25, and 26, 1911, with 1,364 delegates in attendance from 18 States.

Our fifth national congress was held at New Orleans May 16, 17, 18, and 19, Chicago June 17, and Baltimore June 24, 1912. Governor Sanders on April 15, by proclamation, urged the appointment and attendance of delegates and more than 1,000 were registered.

From September 16 to 21, 1901, there was held in the city of Buffalo, N. Y., our first international good roads congress, the call for which was issued from the headquarters of the National Good Roads Association at Chicago. This official call was printed and circulated by the Hon. Martin Dodge, director of the United States Office of Public Roads. He was also temporary chairman of the congress and made the keynote address which is published in Bulletin No. 21 of the United States Department of Agriculture.

Participation by delegates from foreign countries was invited, and such invitation was transmitted by the Department of State to the diplomatic officers of the United States throughout the world and through them communicated to the ministers of foreign affairs with the request that it be given publicity for the information of organizations and individuals who might be interested.

April 27, 28, and 29, 1903, our second international good roads congress assembled at St. Louis. Hon. John Hay, Secretary of State, invited all Governments to send delegates and 11 foreign Governments were represented. On April 29 Theodore Roosevelt, President of the United States, William Jennings Bryan, Gen. Nelson A. Miles, head of the United States Army, and many other dignitaries addressed the congress.

In 1904 the third International Good Roads Congress was held in St. Louis during the progress of the world's fair. Many foreign governments and more than 100 railway companies sent representatives. Hon. James Wilson, Secretary of Agriculture, represented the United States Government and presided at one session.

On the tenth anniversary of the first congress our fourth International Good Roads Congress was held in Chicago, September 18 to October 1, 1911, and as in the case of the three preceding congresses invitations were transmitted by the Department of State to all foreign governments, and there were official delegates in attendance from 40 states and countries, including Australia, Mexico, Central and South America.

Our fifth International Good Roads Congress was held in Chicago, February 26 to March 2, 1913, and was made memorable by the participation of officials of the General Federation of Women's Clubs and the pledge of the president of that great organization that the 1,000,000 members of the general federation would lend their hearty aid to the cause of good roads, both in the Nation and in the several States.

Such is briefest mention of some of our national and international good roads congresses. Pages would be required to even name the numberless conventions held under our auspices in every State of the Union, without exception.

A great impetus has been given a great work, now actively assisted by many agencies, but it is only started and should become international in character. Suffice it to say that when the direct loss resulting from bad roads in the United States is now more than a thousand million dollars a year the frightful folly of this prodigious waste should be apparent to anyone and your splendid efforts encouraged and applauded.

Sincerely,

ARTHUR CHARLES JACKSON,
President.

DETROIT BUREAU OF GOVERNMENTAL RESEARCH, INC.,
February 18, 1927.

Hon. CLARENCE J. MCLEOD,
House of Representatives Office Building,
Washington, D. C.

DEAR MR. MCLEOD: I have just read with interest the excerpts from the CONGRESSIONAL RECORD giving your remarks re the highway commission to report on an intercontinental highway linking North and South America.

No intelligent American can be insensible to the large part that the resources of Central and South America will take in the industrial development of another generation, at a time perhaps when our own resources will be materially curtailed. Also, one can not remain insensible to the increasing unfriendliness of these southern neighbors, an unfriendliness that may be dispelled only by the understanding that comes from closer association.

The highway that you are urging will serve many purposes—making available a vast material wealth for our use, providing a new market for our manufactured products, furthering a friendship upon which economic trade in those parts depends, etc.

As a private citizen, may I express my appreciation of your interest in so constructive a project.

Very truly yours,

L. D. UPSON, *Director.*

MANAGUA, NICARAGUA, *January 25, 1927.*

Hon. C. J. MCLEOD, M. C.,
Washington, D. C.

DEAR SIR: May I express to you, as I have to Senator CAMERON, my hearty support of H. R. 15669, relative to the proposed Pan American peoples highway.

My personal acquaintance with certain of the governments and people of "Latin America" and my knowledge of the opportunities available throughout Mexico and Central and South America for those interested in investments and activities therein and therewith places me squarely behind your bill with a desire to help make it an established fact and factor in the friendly international intercourse it will develop between the countries of the Western Hemisphere.

The letter of Col. James Deitrick to Senator CAMERON quite fully covers the needs of and the advantages to be obtained by the building of this proposed "great highway."

This is necessarily a governmental obligation, and of all countries of the Western Hemisphere our country, the United States of America, should take the initiative, should bear the major portion of the expense, and if needs be should completely accomplish the "job."

We of the United States of America may shrug our shoulders as to the "anti-Yankee sentiment" shown throughout Europe and Asia, but we must not permit this same sentiment to endanger our friendly relations with our sister republics of "the Americas."

With the Pan American peoples great highway in operation, hundreds of thousands will take advantage of the chances opened up to them for investment and activity along the route of this "avenue of opportunities," and thereafter will no longer be misunderstandings or war clouds between sister republics of "the Americas," any more than there is now between the sister States of our own United States of America.

I say and I pray, let's build this "great highway." If I can be of any help, I am yours to command.

Sincerely and cordially,

HERBERT R. FAY.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that all Members may have five days in which to extend their remarks on this bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that all Members may have five days in which to extend their remarks on this bill. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Speaker and Members of the House, in opening this debate in opposition to the pending bill, I can not speak at great length, because under the rules of the House, time for debate is exceedingly limited.

May I say in the beginning that I believe in observing the letter and spirit of our Federal Constitution, and I believe in observing all law. Our organic law provides for the taking of the census every 10 years and further provides that representation in the House shall be based on the population of the several States as shown by the census. A due regard for this constitutional provision suggested and, may I add, required that an apportionment be made as soon as the 1920 census was completed. It was the duty of the Sixty-sixth Congress to enact a law apportioning the Representatives to the several States according to the population of the States as ascertained by the 1920 census. This duty the Sixty-sixth Congress neglected or failed to perform.

Inasmuch as the Sixty-sixth Congress did not enact a reapportionment bill, it was the duty of the Sixty-seventh Congress to enact such legislation. The Sixty-seventh Congress came into existence March 4, 1921. For reasons that I will mention later, the Sixty-seventh Congress, like the preceding Congress, failed and neglected to enact a reapportionment law. The Sixty-seventh Congress continued until March 4, 1923, and adjourned without having performed this constitutional duty.

The Sixty-eighth Congress did not convene until December 3, 1923, and it adjourned March 4, 1925, without having passed any reapportionment bill. The Sixty-ninth Congress came into being March 4, 1925, and will end March 4, 1927. Like the preceding Congresses, the Sixty-ninth Congress has enacted no reapportionment legislation. In other words, Congress has for nearly seven years failed to perform its constitutional function in passing an act to reapportion Representatives in Congress in accordance with the population as ascertained by the 1920 census. And the present bill does not propose that Congress shall enact a reapportionment law based on the 1920 census.

I was not a Member of the Sixty-sixth or Sixty-seventh Congress, either one of which bodies should have passed the reapportionment act. As a Member of the Sixty-eighth and Sixty-ninth Congresses I have had an opportunity to familiarize myself with this question, and I have ascertained the reasons which influenced previous Congresses not to pass a reapportionment bill based on the 1920 census. While other reasons may have contributed to this nonaction, the principal opposition to reapportionment was on account of a settled conviction entertained by a large proportion of the Members of Congress to the effect that the 1920 census was not accurate or taken in an efficient manner, but was taken in midwinter, when the weather was exceedingly severe and the roads in the agricultural States almost impassable, and as a result the 1920 census was unfair to the great agricultural States and did not accurately reflect the population of the rural communities.

Moreover, at the time the 1920 census was taken conditions were abnormal. Millions of boys from the farms had during the war period and a few years immediately following been drawn from the farms to the great industrial centers, and when the census of 1920 was taken the population had not readjusted itself, and millions of men and women who belonged to the farming classes were temporarily in cities and industrial centers and were enumerated in their temporary abode, although in truth and fact they had not abandoned their farm homes. As a result, the industrial and commercial centers were credited with millions of people who were only temporarily in the cities and who, in reality, constituted a part of the farm population.

In the latter part of 1920 and in 1921, millions of people who had been in the cities and industrial centers returned to the rural communities. By reason of these conditions, the 1920 census showed an abnormal population in the cities and industrial centers and a loss of population in practically all the rural communities in the United States. There were other cogent reasons why the 1920 census did not accurately reflect the population of the agricultural communities, but time will not permit me to discuss these matters in detail.

I assume that the Members of the Sixty-sixth and Sixty-seventh Congresses considered these reasons sufficient to justify them in not passing a reapportionment bill. It is quite evident that such a bill based on the inaccurate census of 1920 would have been very unfair to the agricultural States and would have deprived them of representation to which they were entitled, had the census been taken under normal conditions.

But be that as it may, the Sixty-sixth and Sixty-seventh Congresses did not pass a reapportionment bill and their example was followed by the Sixty-eighth and Sixty-ninth Congresses. I say to you candidly that notwithstanding the unfairness of the 1920 census, I believe that the Sixty-sixth or Sixty-seventh Congress should have passed a reapportionment bill. But after waiting nearly seven years, there is less reason now why a reapportionment bill should be enacted, based on the 1920 census. The 1930 census will be taken in three years. Congress has waited until the 1930 census is close upon us. If a reapportionment bill were passed now, it could not become effective for at least two years and then the 1930 census would be upon us. Of course, you understand that after each reapportionment the State legislatures of the several States must redistrict their respective States to adjust themselves to the reapportionment. A reapportionment bill passed now would bring no substantial results, but would produce confusion and disorder in a majority of the States; and such reapportionment could only continue a short time until it

would be nullified by a reapportionment based on the 1930 census.

Now, I am not responsible for the failure of Congress to exercise its constitutional functions at a time when a reapportionment bill should have been enacted. The Republican Party has been in control of both branches of Congress in the Sixty-sixth, Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses. The Republican Party has had a President in the White House since March 4, 1921, and during these six years the Republican Party, in control of all the branches of our Government, could and should have passed a reapportionment act. But having failed so long to perform this constitutional duty, there is no reason why we at this time should take any action, because it will soon be time to take the 1930 census, and a reapportionment at this late day would be useless and productive of no substantial results to the American people.

Moreover, the Republican Party does not now propose to rectify the wrong it has done in failing to pass a reapportionment act based on the 1920 census. The bill before us is not a bill to do anything now, but it proposes a novel plan by which a reapportionment may be made after the 1930 census is taken. This bill will get us nowhere. It is a mere gesture designed and intended to enable the Representatives from California and Michigan to save their faces. It proposes no definite legislation. It does, however, seek to have Congress abrogate its constitutional functions and transfer its power to the Secretary of Commerce. This bill seeks to relieve Congress of the duty of reapportioning the representation among the several States and provides that this right, privilege, and duty shall be exercised by the Secretary of Commerce.

The bill is revolutionary in its provisions. It provides that after the Fifteenth Decennial Census is taken the Director of the Census shall certify to the Secretary of Commerce the population of the several States and the population of the United States, and thereupon the Secretary of Commerce shall proceed to allocate the 435 Representatives to the various States under what is known as the equal-proportions formula, in contradistinction to what is known as the major-fraction formula. In other words, instead of Congress making the reapportionment, as the Constitution provides, this bill seeks to delegate this power and the performance of this duty to the Secretary of Commerce.

There is no reason why our Federal Constitution should be ravished and mutilated in this manner. This bill seeks to transfer to a bureau or department head the duties and obligations imposed by the Constitution on Congress.

Moreover, a number of other provisions in the bill are clearly violative of the Constitution, but time will not permit a detailed discussion of these provisions.

Another vicious provision of this bill seeks to place the Congress of the United States in a strait-jacket and for all time limits the membership of the House to 435. I want to call your attention to the fact that this provision is extremely objectionable. I know bureaucrats and those who do not believe in the masses having a part in government will say that a larger membership would be unwieldy, but there is no foundation for this assumption. It is a well-known fact that will not be disputed that the House of Representatives, under its rules of procedure, functions efficiently, and I will say more efficiently than the Senate at the other end of the Capitol. Under the rules of the House, this body will function efficiently, whether the membership is 435, 475, 500, 525, or even 600, because these rules are so framed that legislation can be and is enacted expeditiously without regard to the number of Members constituting the House. Those who want to reduce the membership in the House are the fellows who want to control or strangle legislation, and their machine works more smoothly with a small membership than with a large membership.

I undertake to say that with the large and rapidly growing volume of public business, an increase in the membership of the House is not only inevitable but eminently proper. Who will say that any Member of Congress should be required or expected to look after the public interest of more than 250,000 people? Is it wrong to give every 250,000 people one Representative to speak for them in the popular branch of our Government? Can a Congressman efficiently represent more than 250,000 constituents? I answer, No.

Under our system of government there has been a tremendous multiplication of bureaus, commissions, boards, and departments which enormously increase the business of a Representative. A man who faithfully and efficiently represents his constituents has a large volume of departmental work which requires time and painstaking attention, and I assert that no Representative can faithfully, efficiently, and effectively look after the public business of more than 250,000 people, inasmuch as the volume of business that a Congressman is called upon to transact for his constituents is rapidly increasing. Unless there is a reasonable increase in the number of Representatives, it is only a question of a little time until the average Congressman will be unable to efficiently transact the business of his constituents, because under the system proposed by this bill, Congressmen will soon be representing such large constituencies that they will be unable to give to the business of those whom they represent the attention it deserves and requires.

The English House of Commons has a membership of 615, although the United Kingdom of England, North Ireland, Scotland, and Wales has only a population of 43,000,000. The House of Representatives of the United States has 435 Members, based on a population of 105,000,000 in 1910. Every member of the English House of Commons represents 71,293 constituents, while on an average every Congressman represents 242,267 constituents.

The French Chamber of Deputies has a membership of 580. France has a population of 39,000,000. On an average every Deputy in France represents 67,603 constituents.

The Reichstag, the popular branch of the German Government, has a membership of 493. Germany has a population of approximately 60,000,000 and every member of the German Reichstag represents 121,405 constituents.

The Italian Chamber of Deputies has a membership of 560, and with 39,000,000 people in Italy, each Italian Deputy represents 74,966 constituents.

Canada, with a population of 9,000,000 has a membership of 245 in its House of Commons, every member of which represents, on an average, 37,396 constituents.

In other words, when you consider the population of the United States, the American Representative must look after the interests of 242,267 constituents while the member of the English House of Commons is only required to look after the interest of 71,293 constituents; the French Deputy must look after the public business of 67,603 constituents; the German representative has a constituency of 121,045; the Italian deputy has a constituency of 74,966; and the Canadian representative is only required to look after the public business of 37,396 constituents.

I want to emphasize the fact that when population and public business are considered, the American Congressman looks after the interests of constituencies three or four times as large as the constituencies represented by the lawmakers in England, Germany, Italy, and France. And I believe an American House of Representatives with a membership of 600 or even 750 would not be unwieldly or too large, taking into consideration the inevitable growth in our population and the ever-increasing volume of public business.

I do not mean to say that at the present time there is a necessity for such an increase in the membership of the House as I have suggested. But no student of public affairs can escape the conviction that with the tremendous increase in our population and the ever-enlarging volume of public business, a substantial increase in the membership of the House is inevitable and necessary, if the people are to have their public business affairs transacted in a prompt, efficient, and satisfactory manner.

It may be interesting to add that our Senate is numerically smaller than the similar legislative bodies in other great nations. The United States Senate has a membership of 96. The French Senate has a membership of 300. The Upper Chamber of the Italian Parliament has 416 members. The Reichsrath, the upper house of the German Parliament, has a membership of about 68. while the English House of Lords has a voting strength of 720. It follows, therefore, that the membership of the American House of Representatives and Senate is comparatively small and not too large or unwieldy.

This bill seeks to legislate for the Seventy-first Congress It is axiomatic that one Congress can not bind or limit the action of any succeeding Congress. This pending bill does not offer any remedy for existing conditions. It does not legislate for the present, but it is proposed that it shall begin to operate three or four years hence. Why should the present Congress legislate for conditions that may exist in 1930 and 1931 and thereafter? Why gentlemen, the more you study this bill, the more ridiculous it is found to be. The bill proposes nothing concrete, nothing worth while. Its passage would mark a departure from the fundamental principles of our Government.

It will be observed that the Secretary of Commerce, under the provisions of this bill would apportion the Representatives among the several States in accordance with the method of "equal proportions." Time will not permit me to discuss this phrase or formula. Our Committee on the Census had exten-

sive hearings on this bill. Doctor Hill of the Census Bureau, Doctor Willcox, of Cornell University, Doctor Huntington and Doctor Young, of Harvard University, all economists of nation-wide reputation testified before our committee in great detail, elaborating the "major fraction" formula and the "equal proportions" formula, all favoring the "equal proportions" method, except Doctor Willcox, who advocated the "major fraction" method. If we ever reach that point, I am convinced that both of these methods should be rejected and the method formulated by Thomas Jefferson and in use until 1842, should be adopted.

Under the Jeffersonian rule, all fractions are ignored. All of these eminent economists, in answer to my questions, admitted that all the confusion and turmoil through which we have passed in enacting reapportionment measures, resulted from our abandonment of the Jeffersonian formula.

When the time comes to enact a real apportionment measure, I shall have something more to say on this subject, and in the meantime I suggest that the Members of this House might with profit read the argument and brief by Thomas Jefferson on the congressional apportionment bill of 1792, in which he vigorously, and I think, convincingly, opposed the recognition of major or other fractions in the apportionment of Representatives to the several States based on the population.

I also call your attention to the great speech made by Daniel Webster in the United States Senate in April, 1832, on a congressional reapportionment bill, in which he strenuously contended for a reapportionment formula based on the recognition of "major fractions." Mr. Jefferson's argument is found in Story's Commentaries on the Constitution of the United States, fifth edition, volume 1, pages 495 to 500, inclusive. Mr. Webster's argument is found in the same volume at pages 500 to 512, inclusive. Mr. Edward Everett, in May, 1832, made an elaborate argument supporting the contention of Mr. Webster.

The hearings before the Census Committee during the present session may also be read with profit, because practically every phase of this complicated question was the subject of discussion by some of the most learned students of economics in our Nation.

Now, gentlemen, in conclusion, I want to say that this bill is merely a gesture. Those who are supporting it know that it will be defeated. No one takes this bill seriously, and it should be defeated by an overwhelming majority of the Members of this House. [Applause.]

The SPEAKER pro tempore (Mr. BEGG). The time of the gentleman from Missouri has expired.

Mr. FENN. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. BARBOUR]. [Applause.]

Mr. BARBOUR. Mr. Speaker, I come from California, and so far as this bill is concerned I have no desire to use it as a vehicle for saving my face; but I for one am beginning to feel a little bit tired of the gentleman from Missouri further saving his face.

This bill simply does fair play to the various States of this Union, and the Congress to-day has an opportunity to perform a duty which it has neglected for the past six years. By neglecting to perform this duty Congress has brought upon itself more severe criticism than any other thing that it has done or left undone within that time.

This is the first time in the history of the country that the Congress has gone for so long a period after the decennial census without apportioning Representatives among the several States. We have already established a bad precedent here, and if we permit this condition to go beyond the census period of 1930, the precedent that will have been established will be far worse than the one we have already created.

We have permitted and have condoned a veritable suspension of constitutional guaranties in this country during the past six years. We have to-day unequal representation, and as the gentleman from Michigan has pointed out, we have taxation without representation. In addition to that the electoral college has become a travesty. The membership of the electoral college is based upon the number of Representatives and Senators to which each State is entitled. We have already passed through one presidential election without a fair distribution of presidential electors among the States, and we are now approaching another.

The opportunity is here for Congress to show to the country that it is big enough to do its duty under the Constitution. I believe that nothing that we could do would raise the Congress to a higher plane in the estimation of the people than the passage of this bill.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from Maine [Mr. BEEDY]. [Applause.]

Mr. BEEDY. Mr. Speaker and gentlemen of the House, in the two minutes allotted me I should like to voice the sentiments of the delegation from Maine with respect to the proposed legislation.

We in Maine believe in constitutional government. We believe that the mandates of the Constitution should be obeyed by the Congress. We are now willing and we have at all times been willing to vote for a genuine reapportionment bill. To avoid increasing the size of this House and adding further confusion to the turbulence which already prevails, we are willing, if necessary, to yield one of our Representatives in the House and pass that Representative on to another State which may be shown to deserve it under the new census.

For the failure of the Congress to obey the mandate of the Constitution for the past five years, we are ready to assume our full share of the responsibility; but we are not ready at this time to lend ourselves to a movement which, in effect, is a mere gesture. We oppose this move which would lead the people to believe that Congress has performed its duty in accordance with the terms of the Constitution when in fact it has not.

We oppose this irregular attempt to ignore the adverse report of the Census Committee, this attempt to pass reapportionment legislation in 1927 for the Seventy-third Congress which will convene in 1933. We object to this attempt to create the impression that we are apportioning in the present decade, when in truth we are doing no such thing. [Applause.]

This is my position on this legislation and the position of my State, so far as I am able to voice it in two minutes.

The SPEAKER pro tempore. The time of the gentleman from Maine has expired.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, the makers of the Constitution evidently intended that the membership of the House of Representatives should be based upon population in order to insure equal proportion of representation to the various States.

Regardless of the dereliction of duty of the Congress following the census of 1920, no Member of Congress need have any remorse now because of the great changes that have transpired since that census was taken. We are now nearer the census of 1930 than we are to the census of 1920, and it would be just as unjust now to reapportion as it was probably a dereliction of duty at that time not to reapportion.

No Congress has the power to bind a future Congress in its action, and the stipulation in the Constitution itself provided in the first reapportionment the number they should have from each State, and I think therefore the presumption arises that any act of Congress should likewise name in the act the number of Representatives that each State should have. I am not in favor, as a Member of the Congress, of delegating this right under the Constitution to an executive department. [Applause.] I am not in favor of any bill that does not say in the body of the bill how many Representatives the State of Indiana or any other State shall have.

I think at this time we ought not by this gesture to attempt to bind a future Congress when we have no constitutional authority to do it. [Applause].

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. THURSTON].

Mr. THURSTON. Mr. Speaker, It is agreed that all prior legislation upon this subject was first legalized by act of Congress before the reapportionment made a change in the representation of any State, so the method or plan used was of no consequence, and this measure is the first on the subject of an anticipatory character, and while I do not desire to discuss the constitutional phases of the matter, yet I do wish to direct the attention of the membership to that portion of the bill which proposes to vest discretionary powers in a bureau of the Government.

It makes no difference whether the major fraction or equal proportion plan is adopted, the scaling-down method that will be applied in some degree will vest discretionary power in a bureau and thereby relieve the Congress in the exercise of a constitutional duty.

Inasmuch as several persons appearing before this committee have made statements to the effect that the House of Representatives is now composed of so many Members that business

can not be handled in an expeditious manner, I thought perhaps the committee would be interested in ascertaining the number of members serving in the lower house in the principal nations of the world, so I have obtained a statement from the legislative reference division of the Library of Congress, setting forth the number of such members in Great Britain, Canada, France, Germany, Italy, Japan, and the United States, and while I desire to call your attention to the number of members in the lower house of each of the nations mentioned, I more particularly desire to have you examine the table which shows that a Representative in our Congress, on the average, represents 269,278 people, or from two to six times as many as represented in the lower house of any of the nations mentioned, and, excepting Canada only in area, each number represents from fifteen to twenty times the territory represented by a member in the lower house of the nations mentioned; that in wealth a Member of the lower House in the United States represents three-quarters of a billion of dollars, whereas a member in the English Parliament would represent less than one-third of that amount, a member of the French Chamber of Deputies one-seventh of that amount, and the other members of the houses mentioned far less in proportion.

While those persons appearing before the committee submitted the conclusions hereinbefore mentioned to the effect that the membership in the lower house in the legislative bodies of the nations mentioned, a careful examination of the table will show that all of the major nations of the world have a far greater number of legislators in proportion to their population, area, and national wealth; so if the subject matter is to be considered and determined in view of facts as gathered from experience of other nations as distinguished from conclusions, the statements submitted by those in favor of a smaller membership have little, if any, real facts upon which their conclusions were based.

As the citizens of all of the nations mentioned, excepting the United States, are of the same homogeneous origin with no ethnic differences, whereas our population is composed of practically all of the different races of the world, thereby greatly multiplying our problems and manifestly demanding greater diversity in ideas and knowledge of government, even on these grounds it is apparent that the work of a Member of the United States Congress is much broader and calls for more consideration and legislative knowledge than would be required by a member of a like body in any of the nations mentioned.

It might also be asserted that the field of legislation considered by the Congress of the United States covers a much larger field than that considered by any of the major legislative bodies of the world, so in view of the foregoing, it would appear that the membership in the House of Representatives in our Congress might be expended with good results and for the general betterment of our people.

In average wealth represented, in average number of constituents, and in area, the table above set forth clearly proves the case of those opposed to a proportional reduction in the membership in the House of Representatives in the Congress of the United States.

Membership of Parliament in certain foreign countries, in relation to population, area, and estimated wealth, compared with the same figures for the United States

Country	Membership of		Population	Area (square miles)	Estimated national wealth [1]	Ratio represented by each member of lower house in relation to total		
	Higher house	Lower house				Population	Area (square miles)	National wealth
Great Britain and Northern Ireland	[2] 730	[3] 615	[4] 42,919,710	89,041	1922 $120,000,000,000	69,788	145	$195,121,951
Canada	[5] 96	[6] 245	[7] 9,364,200	[8] 3,729,665	[9] 1921 22,195,000,000	38,221	15,214	90,591,837
France	[10] 314	[11] 580	[12] 39,209,518	212,659	1925 60,000,000,000	67,603	367	103,448,276
Germany	[13] 68	[14] 493	[15] 62,539,098	181,257	[16] 1924 40,000,000,000	126,854	368	81,135,903
Italy	[17] 387	[18] 560	[19] 42,115,606	119,624	1922 35,000,000,000	75,206	214	62,500,000
Japan	[20] 409	[21] 464	[22] 61,081,954	[23] 260,707	1922 22,500,000,000	131,642	562	48,491,379
United States	96	435	[24] 117,136,000	[25] 3,627,557	1922 [26] 320,804,000,000	269,278	8,339	737,480,460

[1] None of the data relative to national wealth is official. The estimates are mostly by bankers or statisticians. (World Almanac, 1927, p. 297.)
[2] Average membership. This is the voting strength; the full house would consist of about 740 members.
[3] Including 13 members from Northern Ireland. Number reduced to that figure in 1922. From 1885 to 1917, membership was 670. From 1918 to 1921, under the representation of the people act, 1918, membership was 707.
[4] On June 19, 1921.
[5] Total number may not exceed 104.
[6] Fifteenth Parliament, elected on Oct. 29, 1925, under the representation act, 1924. (Canadian Parliamentary Guide, 1926, p. 113.)
[7] Estimated population in 1925.
[8] The area of the Dominion as revised on the basis of the results of recent explorations in the north is 3,797,123 square miles. (Canada Yearbook, 1925, p. 1.)
[9] Canada Yearbook, 1925, p. 813.
[10] Elected Jan. 11, 1924.
[11] Elected May 11, 1924.
[12] Census of 1921.
[13] In 1926.
[14] Elected Dec. 7, 1924.
[15] On June 16, 1925.
[16] According to figures published by Doctor Luther, German finance minister. (World Almanac, 1927, p. 297.)
[17] On Jan. 1, 1924. The number of senators is unlimited. Senators are appointed by the King for life.
[18] Elected in Apr. 1924. Prior to electoral law of Feb. 15, 1925, deputies numbered 535.
[19] Estimated on Jan. 1, 1926. Census of Dec. 1, 1921, returned 38,755,576 inhabitants.
[20] On Dec. 31, 1925. Members of the imperial family are *ex officio* members of the House of Peers (Senate). A large percentage of the membership of the House of Peers consists of members appointed by the Emperor (Résumé statistique de l'Empire du Japan, 1926, p. 145).
[21] Elected May 31, 1925; number unchanged from 1924 (Résumé statistique de l'Empire du Japan, 1926, p. 145).
[22] Estimated Dec. 31, 1924. The census of population of the mainland on Oct. 10, 1925, gave 59,936,000 inhabitants (Résumé, 1926, p. 5).
[23] Including Chosen (Corea), Formosa, Pescadores, and Japanese Sakhalin.
[24] Estimated by Census Bureau, July 1, 1926.
[25] Gross area (land and water), Statistical Abstract of the United States, 1925, p. 3.
[26] Statistical Abstract of the United States, 1925, p. 283.

Sources: Unless otherwise stated, Statesman's Yearbook, 1926, and World Almanac, 1927.

Mr. FENN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. JACOBSTEIN].

Mr. JACOBSTEIN. Mr. Speaker, as a member of the Census Committee, which had under consideration the matter of reapportionment, I would have preferred another bill. I want, however, to present to you to-day the reasons why I believe it is wise and imperative for us to-day to vote for the reapportionment provided in this bill. [Applause.] Have you not observed that those Members who have spoken against reapportionment come from States that will lose and those that have spoken in favor are those that gain from reapportionment? I happen to come from a State that is likely to lose in reapportionment in 1930, and still I am for reapportionment, because I believe that one article of the Constitution is just as sacred as every other article. [Applause.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. GARRETT of Tennessee. Does the gentleman mean that the Secretary of Commerce should reapportion Congress?

Mr. JACOBSTEIN. The Secretary of Commerce does not reapportion under this bill. The Congress directs him explicitly what to do. All we ask the Secretary of Commerce

to do is to use the census of 1930 as a basis of allocating 435 Members to the several States, in conformity with an explicit method or formula prescribed in this bill. We assign to the Secretary a ministerial function and not a legislative function. He has no discretion. Please notice that the Secretary of Commerce can not be arbitrary nor can he allocate according to his caprice or discretion. He is to do nothing but what we tell him to do. I will say to my distinguished leader that Congress is reapportioning, and all the Secretary of Commerce is empowered to do is the clerical work on the basis of the 1930 census.

Mr. GARRETT of Tennessee. Does not the gentleman think, being a great economist, that he had better confine himself to economical questions? [Applause.]

Mr. JACOBSTEIN. The gentleman from Tennessee raises an entirely different question. [Laughter.] The Secretary of Commerce has no discretionary power. He must operate in accordance with the formula prescribed by Congress in the Fenn bill before us.

Any man who votes against reapportionment votes for the disenfranchisement of millions of people. Any man who votes against reapportionment votes to continue the unjust voting disparity as between various sections of the United States.

I believe that Article I of the Constitution, which provides for reapportionment, is just as important as the eighteenth amendment; and because I believe in the enforcement of all parts of the Constitution, I shall vote for reapportionment. I shall vote for it, even though my own State may lose in the reapportionment, as it is likely to do, on the basis of the estimated 1930 census.

Good sportsmanship, if nothing else, ought to prompt every good American to vote for this reapportionment bill, based upon the 1930 census, and take his chances as to the effect of that upon his own particular State.

The bill that we are voting on to-day, the Fenn bill, lays down three propositions: First, it keeps the House at a membership of 435; second, it definitely fixes reapportionment on the basis of the 1930 census; third, it provides for an automatic reapportionment by directing the Secretary of Commerce to allocate the membership on the basis of a formula prescribed in the bill.

Under the bill the States that would gain the most are: California, 6; Michigan, 4; Ohio, 3; Texas, 2; New Jersey, 2; Florida, 1. The States that would lose the most are: Missouri, 4; Kentucky, 2; Iowa, 2; Indiana, 2; and other rural States, 1 each.

By declaring for reapportionment five years in advance of the actual fact we avoid the conflict of selfish interests which naturally arises in the settlement of such a question. This selfish motive killed the reapportionment in 1921 and will operate to kill the bill in 1931 for the same reason. It is asking too much that Congressmen should vote to reduce the membership of their State delegations and vote themselves out of a job.

It is for this reason that in every previous reapportionment but one the size of the House membership has been increased, so that no delegation would lose, though some would gain. There has been, however, an insistent demand to keep the House at 435, and losses are therefore inevitable.

So I am voting for this bill to-day to assure the country a reapportionment as prescribed by the Constitution of the United States and to keep the House at 435.

Mr. LEA of California. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. LEA of California. Is it not substantially true that Congress exercises all the discretion that it can exercise when it determines the number of men that shall compose the Congress?

Mr. JACOBSTEIN. Yes; that is my position and the position of many legal authorities.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, this bill was defeated in the Committee on the Census because the reason and the intelligence of the members of that committee convinced them that it was an improper bill. In some way, however, it comes before us to-day under a motion to suspend the rules to pass it. I trust that never again in the history of this country will there be a recognition for suspension of the rules inviting the House of Representatives to abase itself in such a manner as it is invited to do in this bill. There is not a line of this bill that would stand a constitutional test. In the first paragraph, or the second section of it at least, it proposes to turn over to the Secretary of Commerce in effect the apportionment of the representation in the House. The one who takes the census is to determine the apportionment of Representatives. You can follow all of the other sections through, and none of them will bear the test of legality or of intelligence. I presume, Mr. Speaker, it must have been due to the fact of a very great political pressure that in some way the Speaker of the House agreed to recognize anybody to move to suspend the rules and pass this foolish thing. I suppose the Speaker himself knew that it would be defeated.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I hope the vote will be two-thirds against rather than two-thirds for.

Mr. FENN. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, I favor this bill because it seeks to establish a principle, viz., that the number of Members in this House shall not be increased. I belonged to this body when there were 325 Members, and the disadvantage in the transaction of business now that we have 435 Members is beyond my power of expression. It is not alone the greater expense and the greater confusion here upon the floor, but the greater degree of difficulty in the orderly transaction of the work we have to do.

Let me say a few words upon the idea that a larger body is more democratic. That great statesman, James Madison, said that the larger a body the more certain it was that it would fall under the domination of a few leaders.

He said:

> The people can never err more than in supposing that by multiplying their representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and a diffusive sympathy with the whole society, they will counteract their own views by every addition to their representatives. The countenance of the government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.

And in the Federalist he said that though every member of the Athenian Assembly be a Socrates, the aggregate body would be a mob. I am not troubled about the House of Representatives abasing itself by assigning to the Secretary of Commerce the duty of enforcing its will. We are not effacing ourselves. We are already staggering under the weight of legislative propositions far beyond our capacity to properly dispose of them. What are we proposing to do by this bill? We are adopting a regulation under which any difference of opinion here or between the House and the Senate will not prevent the decennial apportionment which the Constitution requires. What is the history of the present situation? In the session of 1920–21 the House passed an apportionment act fixing the number of Members at 435. It went over to the Senate. The Senators representing States which would lose Members prevented its passage, and that same thing is practically certain to happen again after the census of 1930. We are seeking to prevent such failure to observe our constitutional duty by providing for apportionment, and as regards constitutionality the principles are perfectly well established by repeated decisions.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. BURTON. I do not think so. I have so little time. The rule is well established. When there is assigned to the head of a department or other body created under this Government merely ministerial duties, when it is directed that action shall be taken, when certain conditions arise or a fact is established, it is within the power of a delegated official or body to act. This bill is clearly constitutional under that rule.

It also establishes a method. There are several methods. The so-called major fraction is one, the plan advocated by Jefferson and in vogue until 1830 is another under which no fractions were considered, and this method of equal representation, which is of all the fairest, is set forth in this bill. I would rather see this House consist of 300 Members than 435. [Applause.] I think we could transact our business more efficiently. I believe the people would be more correctly represented and the general welfare more carefully considered, because the tendency is with every increase to make a Member of this House a mere agent for a locality, to narrow his vision, to cause him to have thoughts that are not national, but which

are provincial and local. States which lose in population must expect to lose in representation here. Since the formation of this Government no less than 18 States under successive apportionments have lost in the number of their Representatives, including such Commonwealths as New York, Pennsylvania, Ohio, Massachusetts, and Virginia. No other method can be devised which is fairer to all the people. Another Congress, it is true, may upset the action which we take, if we pass this bill, but this Congress can do nothing more to evoke the good feeling and the approval of the country than to send forth a declaration that we do not expect to increase the size of this House and that we provide a method for observance of the constitutional provision for decennial apportionment.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. PEERY].

Mr. PEERY. Mr. Speaker and Members of the House, it may be true that an injustice resulted to some of the States by reason of the failure of the Congress to reapportion the representation of the several States in Congress following the census of 1920. I do not appear to deny or answer that complaint. The Constitution provides for an enumeration of population to be made within three years after the first meeting of the Congress and—

within every subsequent term of 10 years in such manner as they shall by law direct.

And the further constitutional requirement is that—

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

The Congress should carry out the provisions of the Constitution and reapportion representation every 10 years, following each decennial census. But this was not done following the census of 1920. The 1920 census was taken when conditions were abnormal in this country. During the World War there had occurred a great shift in the population. Workers had gone from the rural sections of the country to the cities and great industrial centers to do war work. Their change of residence was only temporary, and thousands of them had not returned to their real homes. It is therefore contended by some that the census of 1920 did not correctly reflect the true state of the population of the respective States. It is not now necessary for us to discuss the question as to whether the objections offered to the census of 1920 afforded sufficient reason to deny or postpone a new reapportionment measure. Suffice it to say that no reapportionment bill has been enacted into law based upon the 1920 census. Six years have elapsed since the taking of that census, and great changes in the population of the respective States have necessarily resulted. We are now within three years of the time for taking another census. The bill under consideration does not propose a reapportionment based upon the 1920 census. The consensus of opinion in the House now is that since the matter has gone this far the next reapportionment should be based upon the census to be taken in 1930.

Throughout our past history all reapportionment bills that have been passed by the Congress have been passed after the census upon which they were based had been taken and the Congress had before it all the facts touching the situation. The Congress thereupon determined upon the size of its membership and the method of effecting the reapportionment. It was, of course, the desire and intent of Congress at all times to effect reapportionment by a method that was fair and just as between the respective States under the provisions of the Constitution.

The method of reckoning the apportionment has not been uniform. Indeed the question of the right method has been the subject of much discussion throughout the years and is still the subject of discussion and disagreement among expert mathematicians. From 1790 to 1830 the method, sometimes referred to as the method of Mr. Jefferson, was followed. Under that method fractions were disregarded. A basis of representation was determined upon. If, for illustration, the basis of representation was one representative for every 100,000 population, an additional representative was not allowed until the additional 100,000 in population was reached. Mr. Webster, in an able address in 1830, criticized this method, and contended that representation should be as nearly equal as could be. The Congress in 1840 adopted what was virtually the major fraction method. In 1850 it adopted what is known as the Vinton method, so called from the name of the Congressman who proposed it. This method was followed from 1850 down to 1900, inclusive. A defect in the method developed in 1880, resulting in what was known as the Alabama paradox. A similar defect developed in 1900 in the case of Maine.

In 1911 the Congress followed the method devised by Prof. W. F. Willcox, which is a revised "major fraction" method. Professor Willcox, who is now a professor in Cornell University, appeared as a witness before our committee. He still sponsors his method and insists that it is the best method. But another method known as the method of "equal proportions" is advocated by Professors Huntington and Young, of Harvard University, as the best method. They also appeared as witnesses before our committee. I will not attempt to explain the two methods. That is a subject for an expert mathematician.

But disagreement exists between the expert mathematicians who appeared before our committee on this point.

The bill under consideration adopts the method of "equal proportions."

The measure is somewhat revolutionary in its character. It does not provide a reapportionment upon a census already taken, but proposes a reapportionment upon a census to be taken in the future.

It provides that after March 3, 1933, the House of Representatives shall be composed of 435 Members, and shall be apportioned according to a new method—the method of "equal proportions."

It further provides for abdication on the part of Congress and the delegation of the duty of making the apportionment to the Secretary of Commerce.

No one will contend that if the bill should pass, any subsequent Congress between now and March 3, 1933, could not change or repeal the law. Therefore, the situation presented by this bill is this—

We, of the Sixty-ninth Congress, are asked by this bill to say to the Seventy-first and Seventy-second Congress that regardless of what the 1930 census may show the membership of this House, beginning six years from this time, shall be 435; that the reapportionment shall be made according to a method never followed before—the method of "equal proportions"—and that the Secretary of Commerce shall hereafter perform this duty for the Congress.

But some of the proponents of the measure argue that this bill should be passed to show an intention on the part of Congress to grant reapportionment after the census of 1930.

Why should we of this Congress indulge in the assumption that a succeeding Congress will not perform its constitutional duty?

The bill embodies three propositions of great importance, the wisdom of which is open to serious controversy:

First. It proposes to fix the membership of the House at 435.

Second. It adopts a new method of reckoning the apportionment.

Third. It delegates to the Secretary of Commerce the duty heretofore performed by the Congress itself.

As to the first proposition, I am unwilling to take the position that the membership of the House should be limited to 435.

The gentleman from Vermont [Mr. BRIGHAM], who appeared before our committee in opposition to this bill, presented some interesting facts as to the size of our lower House of Congress as compared with similar legislative bodies of Europe. He stated:

I want to introduce for the record a table showing the number of population per representative in the lower branches of several foreign legislatures.

This table will show that whereas a Representative in the lower House of the United States will represent a constituency of 242,267 people, the next foreign constituency in size to that of a Representative in the Congress of the United States is that of a representative in the lower German house. He represents a constituency of 121,405 persons.

That is, a Representative in the United States represents a constituency twice the size of that of the representative of the lower house in Germany. You will find further by examination of the table that a Representative in our Congress represents a constituency six times the size of the constituency of a representative in the lower house in Belgium, eleven times the size of the constituency of a representative in the lower house in Denmark, three times the size of the constituency of a representative in the lower house in France, three times the size of the constituency of a representative in the lower house in Italy, three times the size of the constituency of a representative in the lower house in the Netherlands, ten times the size of the constituency of a repre-

sentative in the lower house in Norway, three times that in the United Kingdom, and six times that in Canada.

The table is as follows:

Number of members in lower branches of specified foreign legislatures, population of the countries concerned per square mile, representation of area, and basis of representation.[1]

Countries	(I) Members	(II) Year	(III) Population	(IV) Basis	(V) Per square mile	(VI) Area
Belgium [2]	186	1920	7,465,782	40,000	63.5	63.18
Denmark [3]	149	1921	3,267,831	21,932	190.0	111.40
France [4]	580	1921	39,209,518	67,603	189.3	366.60
Germany [5]	493	1919	59,852,682	121,405	321.9	368.00
Greece [6]		1920	5,536,375		111.1	
Italy [7]	535	1921	38,755,576	74,966	328.0	220.30
Yugoslavia [8]	313	1920	12,017,323	40,000	125.0	307.10
Netherlands [9]	100	1920	6,865,314	68,653	519.8	125.80
Norway [10]	112	1920	2,649,775	23,659	21.2	1,115.70
Portugal [11]	164	1920	6,032,991	36,787	169.0	216.40
Rumania [12]	347	1919	17,393,149	50,124	141.4	352.40
Spain [13]	417	1920	21,347,335	50,000	112.0	455.70
Sweden [14]	230	1920	5,904,489	25,672	34.7	752.80
Switzerland [15]	198	1920	3,880,320	19,598	243.0	80.60
United Kingdom [16]	615	1921	[17] 42,918,253	71,293	48.2	153.10
England	492	1921	35,678,530	72,517	701.0	103.40
Northern Ireland	13	1911	1,250,531	96,195	239.0	402.70
Scotland	74	1921	4,882,497	65,980	160.5	410.90
Wales	36	1921	2,206,712	61,298	295.0	196.00
Canada	235	1921	8,788,483	37,396	2.3	15,870.00
United States	435	1920	105,710,620	242,267	35.5	6,824.00

[1] First column (I): Members in lower branch of legislature as of the year in which the census figures were determined. Second column (II): Year in which census figures determined. Third column (III): Population as of the year specified in preceding column. Fourth column (IV): Basis of representation. The number of persons represented by one member of the lower branch of the legislature is taken from the source named. In other instances it is taken from the figures compiled by dividing the total population for that particular country by the total number of members in the lower branch of the legislature. Fifth column (V): Represents the number of persons per square mile as an average and is derived by dividing the total population of the respective countries by their total land area in square miles. In some countries the land covered by water has been eliminated—Netherlands and United States. Sixth column (VI): Represents the area in square miles as an average which is represented by each member of the legislature of the countries named and is derived by dividing the total number of square miles of each country by the total number of members of their respective legislatures.

[2] With the exception of the last two columns, which were derived from figures given in the World Almanac of 1927, the figures and data were obtained from the Statesman's Yearbook, 1925; London, 1925, pp. 692 and 693.

[3] Ibid., pp. 803 and 804.

[4] Ibid., pp. 867 and 871.

[5] Ibid., pp. 946 and 947.

[6] Ibid., pp. 991 and 992. By a plebiscite on Apr. 13, 1924, the Republic was established. A new Constitution is being prepared by the national assembly elected on Dec. 6, 1923.

[7] Ibid., pp. 1025 and 1026.

[8] Ibid., pp. 1276 and 1277. In Yugoslavia the legislative assembly has but one chamber.

[9] Ibid., pp. 1126 and 1129.

[10] Ibid., pp. 1161 and 1163. The total number in the legislative assembly of Norway is 150. Of these, one-quarter compose the Lagting and three-quarters the Odelsting.

[11] Ibid., pp. 1221 and 1222.

[12] Ibid., pp. 1238 and 1239.

[13] Ibid., pp. 1293 and 1295.

[14] Ibid., pp. 1314 and 1316.

[15] Ibid., pp. 1331 and 1333.

[16] Ibid., pp. 6, 12, and 71. Also the constitutional yearbook, 1926. London: National Union of Conservative and Unionist Associations, p. 213.

[17] Does not include Northern Ireland. Basis of representation is derived by dividing 42,918,253 by 602.

NOTE.—The statistics of the above table were obtained by courtesy of the legislative reference service of the Library of Congress, with the exception of the last two columns, which were compiled by Mr. Brigham.

Will the gentlemen contend that these legislative bodies in Europe, having a larger proportion of representation than this House, are less deliberative and less efficient in enacting legislation than is this House? A decrease in the membership of the House inevitably leads to a greater number of representatives from the cities and industrial centers of population. Thoughtful students of government are now viewing with concern the movement of population from the country to the cities. Perhaps a majority of the great leaders of the past and of the present day came from the country and the small towns. There is danger to us as a Nation in any decadence in our country life.

My plea is not for a change in the ratio of representation, but that we should not adopt a plan which will inevitably result in a reduction of the number of representatives who speak for agriculture and our rural life.

Gentlemen and gentlewomen of the House, if you vote to limit the membership of the House to 435 the following results will ensue, based upon the estimated population of 1930:

Alabama with 10 Members at present would be reduced to 9.
Indiana with 13 Members would be reduced to 11.
Iowa with 11 Members would be reduced to 9.
Kansas with 8 Members would be reduced to 7.
Kentucky with 11 Members would be reduced to 9.
Louisiana with 8 Members would be reduced to 7.
Maine with 4 Members would be reduced to 3.
Massachusetts with 16 Members would be reduced to 15.
Mississippi with 8 Members would be reduced to 6.
Nebraska with 6 Members would be reduced to 5.
New York with 43 Members would be reduced to 41.
North Dakota with 3 Members would be reduced to 2.
Pennsylvania with 36 members would be reduced to 35.
Tennessee with 10 members would be reduced to 9.
Vermont with 2 members would be reduced to 1.
Virginia with 10 members would be reduced to 9.

I oppose the proposition embodied in this bill that Congress abdicate the duty imposed upon it by the Constitution and delegate the performance thereof to a bureau of the Government here in Washington. Too much of this has already been done by the Congress.

Serious doubt is entertained by some as to the constitutionality of the proposed law. Section 2 of the fourteenth amendment to the Constitution provides as follows:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Section 2 of the proposed bill provides that as soon after the next subsequent decennial census—

the aggregate population of each State and the United States shall have been ascertained and duly certified by the Director of the Census, it shall be the duty of the Secretary of Commerce on the basis of these results to apportion—

And so forth.

There is no direction herein, in ascertaining the population, to exclude Indians not taxed. If any question should arise under the latter clause of section 2 as to whether the right to vote had been denied to any inhabitants of any State and citizens of the United States and that by reason thereof the representation of that State should be reduced, can it be contended that the determination of that question could be delegated to the Secretary of Commerce?

The Constitution contemplated that the Congress should make the apportionment. Why should not the Congress retain unto itself the performance of this important duty under the Constitution rather than delegate it to some department of the Government?

In conclusion, let me say on behalf of the State of Virginia that if, after a full hearing and fair consideration, the Seventy-first Congress votes that the membership of this House should be limited to 435 and our State at that time only has a population entitling her to but nine Representatives, she will, with proper spirit and good grace, accept the reduction of representation that falls to her lot, but I want that result to come at the end of a hearing that is a real hearing, one characteristic of a truly deliberative body such as this House is supposed to be and not at the end of such a proceeding as we are having here to-day.

Our committee, after extended hearings and mature consideration, voted adversely upon reporting this bill. Outside of the members who compose the Census Committee, comparatively few Members have had an opportunity to maturely consider the provisions of this bill, and they are not at all subject to the least criticism on this score, because the bill is not upon the calendar of the House. And after a decisive defeat in committee and with but one day's notice, in the confusion of the closing days of the session, the bill is brought before the Congress under a suspension of rules with a limit of 20 minutes of debate to each side and with no opportunity to amend the bill. Certainly such a proceeding can not, in the opinion of thoughtful men, add any weight or prestige to the claim which we often make that this House is a great deliberative body. The proceeding is itself a farce. It is but a political gesture. No one at all conversant with the situation believes for a moment that at this late date the bill would have the remotest chance of passage in the Senate, and it seems foredoomed to failure in this body.

Mr. RANKIN. Mr. Speaker, may I ask how the time stands?

The SPEAKER. The gentleman from Mississippi [Mr. RANKIN] has four minutes remaining. The gentleman from Connecticut [Mr. FENN] has two minutes.

Mr. RANKIN. Mr. Speaker, in 1921 the Census Committee of the House reported a reapportionment bill, in the face of the disturbed conditions which prevailed during the time the census was being taken, that would have done justice to all concerned; but owing to those disturbed conditions we realized that the census was not just to many of the agricultural States. We brought that bill before the House and debated it a whole day, and that night it was recommitted to the Committee on the Census, and at least four of the men who have stood on the floor to-day and criticized the Committee on the Census, voted to recommit it to the Committee on the Census, for the reason that while it took ample care of their own States, it also took care of the States which lost population under the census of 1920.

You are not only attempting by this measure to bind a future Congress and pass a bill that was never reported by a committee of this House, but you are attempting to delegate the legislative power intrusted to you to a bureaucrat, or the head of some department, or some bureau down in the Department of Commerce.

You say there can be no mistake; and yet one gentleman who said that has been on the floor here advocating the reduction of representation in certain States under the fourteenth amendment. Are you going to turn over to the Department of Commerce or the Bureau of the Census the right to apportion Congress and at the same time take the census on which that apportionment is made? The people did not elect you to delegate that power. When it comes to delegating that power in the very face of the Constitution, a power placed there for the purpose of safeguarding the integrity and independence of Congress—when it comes to delegating that power to some bureau head, not only would the Supreme Court wipe it from the statute books, but if the American people realized what had been done they would wipe certain Members out of the Congress of the United States.

You know this will not pass. You know you will not vote for it. You know it never can get through the Senate. If it did, it would never become a law. We propose that in 1930 a proper census shall be taken and that Congress shall scrutinize that census and see that it is properly taken, and then in the due exercise of our constitutional authority we expect to reapportion Congress on the basis of the census of 1930. But we are not going to vote now to bind a future Congress or to surrender to some bureaucrat our prerogatives as constitutional Representatives the power delegated to us by the Constitution. [Applause.]

Mr. FENN. Mr. Speaker, I yield two minutes to the gentleman from Connecticut [Mr. TILSON].

The SPEAKER. The gentleman from Connecticut is recognized for two minutes.

Mr. TILSON. Mr. Speaker, that this bill is constitutional I think was settled by the decision of the Supreme Court in the case of Field against Clark. The power proposed to be delegated here is not legislative power at all. The work to be done by the Secretary of Commerce as provided in this bill is purely ministerial in character.

Now, what is the situation? For six years, since the last census was taken, we have gone on without making an apportionment on the basis of the census of 1920. This House has been condemned from one end of the country to the other for not doing our constitutional duty. Another census period approaches, and when that census is taken we are sure to see an adjustment of population, perhaps, more out of line with what it was in 1920 than the census of 1920 was out of line with that of 1910. Then what are we to do? If we are to prevent any State from losing a Member we must make this House consist of something like 535 Members, because we progress in population at about the rate of 50 additional Members for each decade if no State is to lose a Member. Let us take the position and show to the country to-day that this House means to carry out the mandate of the Constitution and make it certain that we shall not go through another decade with the representation not in accordance with the population. [Applause.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. GARRETT of Tennessee. Why not let the Congress elected after the 1930 census carry out the mandate of the Constitution? We are trying to carry out the mandate of the Constitution for them.

Mr. TILSON. I will tell the gentleman plainly: If it is done now each State is taking its chance as to what the census of 1930 will show as to the new enumeration. After the census is taken we can say that one State will lose and that another State will gain. It then becomes a personal matter. Now, no one knows what States will gain or lose. We propose to act now in anticipation of that time. There is no discrimination against anyone. We simply desire to see that the apportionment and representation shall be in due accord with the population and that the present membership of the House shall not be increased. [Applause.]

The SPEAKER. The time of the gentleman from Connecticut has expired. All time has expired. The question is on the motion of the gentleman from Connecticut [Mr. FENN] to suspend the rules and pass the bill.

The question was taken.

Mr. FENN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Connecticut demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. All those favoring the motion to suspend the rules and pass the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 183, nays 197, not voting 52, as follows:

[Roll No. 44]

YEAS—183

Abernethy	Fairchild	Lampert	Rogers
Ackerman	Fenn	Lea, Calif.	Sabath
Aldrich	Fish	Leatherwood	Sanders, N. Y.
Allen	Fitzgerald, Roy G.	Leavitt	Schafer
Andrew	Fitzgerald, W. T.	Lehlbach	Schneider
Arentz	Fletcher	Lineberger	Scott
Bacharach	Fort	Luce	Sears, Fla.
Bacon	Frear	Lyon	Sinnott
Barbour	Free	McFadden	Snell
Beck	Freeman	McLaughlin, Mich.	Sosnowski
Beers	French	McLeod	Speaks
Begg	Furlow	McSweeney	Sproul, Ill.
Black, Tex.	Gifford	MacGregor	Stalker
Bloom	Golder	Madden	Stedman
Bowles	Goodwin	Magee, N. Y.	Stobbs
Bowman	Griest	Magee, Pa.	Strong, Pa.
Briggs	Griffin	Magrady	Summers, Wash.
Britten	Hadley	Mapes	Swartz
Browne	Hammer	Martin, Mass.	Sweet
Burdick	Hardy	Menges	Swing
Burton	Hawley	Merritt	Taylor, Colo.
Campbell	Hayden	Michaelson	Taylor, W. Va.
Carpenter	Hill, Md.	Michener	Thompson
Carter, Calif.	Hill, Wash.	Miller	Tilson
Chalmers	Hoch	Mooney	Timberlake
Chindblom	Hooper	Moore, Ohio	Tinkham
Colton	Hudson	Morgan	Tolley
Cooper, Ohio	Hull, Morton D.	Morin	Treadway
Cooper, Wis.	Hull, William E.	Murphy	Underhill
Coyle	Jacobstein	Nelson, Wis.	Underwood
Cramton	James	Newton, Minn.	Vaile
Crosser	Jenkins	Newton, Mo.	Vare
Crowther	Johnson, S. Dak.	Oliver, N. Y.	Vincent, Mich.
Crumpacker	Johnson, Tex.	Parker	Wainwright
Curry	Johnson, Wash.	Patterson	Warren
Darrow	Jones	Perkins	Watres
Davenport	Kahn	Perlman	Watson
Dempsey	Kearns	Phillips	Weaver
Denison	Keller	Porter	Welch, Calif.
Doughton	Ketcham	Pou	Welsh, Pa.
Dyer	Kiess	Pratt	Winter
Eaton	Knutson	Rainey	Woodruff
Ellis	Kunz	Ransley	Wurzbach
Englebright	Kurtz	Reece	Wyant
Esterly	Kvale	Reed, N. Y.	Zihlman
Evans	LaGuardia	Reid, Ill.	

NAYS—197

Adkins	Clague	Gilbert	Lindsay
Allgood	Cochran	Green, Fla.	Linthicum
Almon	Cole	Green, Iowa	Little
Andresen	Collier	Greenwood	Lowrey
Arnold	Collins	Hale	Lozier
Aswell	Connally, Tex.	Hall, Ind.	McClintic
Auf der Heide	Connery	Hall, N. Dak.	McDuffie
Ayres	Corning	Hare	McKeown
Bachmann	Cox	Harrison	McLaughlin, Nebr.
Bailey	Crisp	Hastings	McMillan
Bankhead	Cullen	Haugen	McReynolds
Barkley	Davis	Hersey	McSwain
Beedy	Deal	Hickey	Major
Bell	Dickinson, Iowa	Hill, Ala.	Manlove
Black, N. Y.	Dickinson, Mo.	Hogg	Mansfield
Bland	Dickstein	Holaday	Martin, La.
Blanton	Dominick	Houston	Milligan
Bowling	Douglass	Howard	Montague
Box	Dowell	Huddleston	Moore, Ky.
Boylan	Doyle	Hudspeth	Moore, Va.
Brand, Ohio	Drane	Hull, Tenn.	Morehead
Brigham	Drewry	Jeffers	Morrow
Browning	Driver	Johnson, Ill.	Nelson, Me.
Buchanan	Edwards	Johnson, Ind.	Nelson, Mo.
Bulwinkle	Elliott	Kelly	Norton
Burtness	Eslick	Kemp	O'Connell, N. Y.
Busby	Fisher	Kerr	O'Connell, R. I.
Byrns	Foss	Kincheloe	O'Connor, La.
Canfield	Fulmer	Kindred	O'Connor, N. Y.
Cannon	Gambrill	Kopp	Oldfield
Carew	Garber	Lanham	Oliver, Ala.
Carss	Gardner, Ind.	Lankford	Peery
Carter, Okla.	Garner, Tex.	Larsen	Prall
Chapman	Garrett, Tenn.	Lazaro	Purnell
Christopherson	Garrett, Tex.	Letts	Quin

Ragon	Shallenberger	Thatcher	White, Me.
Ramseyer	Shreve	Thomas	Whitehead
Rankin	Simmons	Thurston	Whittington
Rathbone	Sinclair	Tillman	Williams, Ill.
Reed, Ark.	Smithwick	Tucker	Williams, Tex.
Robinson, Iowa	Somers, N. Y.	Tydings	Williamson
Robsion, Ky.	Spearing	Updike	Wilson, La.
Romjue	Sproul, Kans.	Upshaw	Wilson, Miss.
Rouse	Steagall	Vestal	Wood
Rowbottom	Stevenson	Vinson, Ga.	Woodrum
Rubey	Strong, Kans.	Vinson, Ky.	Wright
Rutherford	Sumners, Tex.	Wason	Yates
Sanders, Tex.	Swank	Wefald	
Sandlin	Taber	Weller	
Sears, Nebr.	Temple	White, Kans.	

NOT VOTING—52

Anthony	Faust	Kendall	Smith
Appleby	Fredericks	Kiefner	Strother
Berger	Frothingham	King	Sullivan
Bixler	Funk	Kirk	Swoope
Boies	Gallivan	Lee, Ga.	Taylor, N. J.
Brand, Ga.	Gasque	Mead	Taylor, Tenn.
Brumm	Gibson	Mills	Tincher
Butler	Glynn	Montgomery	Voigt
Celler	Goldsborough	Parks	Walters
Cleary	Gorman	Peavey	Wheeler
Connolly, Pa.	Graham	Quayle	Wingo
Dallinger	Irwin	Rayburn	Wolverton
Davey	Johnson, Ky.	Seger	Woodyard

So, two-thirds not having voted in favor thereof, the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Dallinger and Mr. Butler (for) with Mr. Gibson (against).
Mr. Voigt and Mr. Peavey (for) with Mr. Gasque (against).

Until further notice:

Mr. Anthony with Mr. Brand of Georgia.
Mr. Wolverton with Mr. Wingo.
Mr. Connolly of Pennsylvania with Mr. Cleary.
Mr. Frothingham with Mr. Goldsborough.
Mr. Graham with Mr. Lee of Georgia.
Mr. Mills with Mr. Johnson of Kentucky.
Mr. Seger with Mr. Gallivan.
Mr. Wheeler with Mr. Mead.
Mr. Taylor of Tennessee with Mr. Quayle.
Mr. Smith with Mr. Sullivan.
Mr. Faust with Mr. Rayburn.
Mr. Kendall with Mr. Davey.
Mr. King with Mr. Parks.
Mr. Strother with Mr. Celler.
Mr. Glynn with Mr. Berger.

The result of the vote was announced as above recorded.

REAPPORTIONMENT

Mr. TYDINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the apportionment bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TYDINGS. Mr. Speaker, I am in favor of immediate reapportionment, based on the 1920 census, and it is the duty of Congress to make this reapportionment now and not in 1931. The Constitution puts that duty upon us in no uncertain terms. The present bill does not deal with this subject for four years, and in the meantime we are but dodging our clear, sworn, constitutional duty. Further, this apportionment should be made as the Constitution directs, by Congress, and I am opposed to delegating this work to any other agency of government. Personally, I am not willing to state I need a guardian as yet to do the things the Constitution, in express language, charges me with doing.

Further, the House is now too large to permit of constructive statesmanship. It is unwieldly and conduces to confusion and disorder. Personally, a House of not more than 350 Representatives is, in my opinion, ample. I will support no measure increasing the present membership. This has been my position since being a Member of Congress.

Mr. BULWINKLE. Mr. Speaker, for the first time in my legislative experience has the condition existed that is now before the House. This bill, H. R. 17378, was considered by the Committee on the Census, and the committee refused by a decisive vote to report it out. Notwithstanding this and notwithstanding the fact that it was not even on the calendar, the Speaker recognized the gentleman from Connecticut [Mr. FENN] for the purpose of passing the bill under suspension of the rules. Of course, there is no report, because the committee had refused to report the bill out, and of course under suspension of the rule no amendment could be offered to the bill and only 40 minutes' debate.

It is nothing more than a foolish gesture for the purpose of trying to fool the country and trying to make the people think that Congress is for reapportionment. Everyone knows that it is impossible to pass such a measure in the Senate before the close of this session of Congress, day after to-morrow, March 4, 1927. The Republican Party has had five years with their majority in the House and in the Senate to pass a reapportionment bill, but they have waited until to-day, when the House will adjourn on Friday, to bring this matter up for consideration, knowing full well that the Senate will not pass it.

Under no consideration would I ever vote for a bill of this character. I am for reapportionment and will vote for it when the opportunity is given, but I shall never vote for the Congress of the United States to turn over to the Secretary of Commerce the right to apportion the Representatives. It gives to the Secretary of Commerce the power, not only to apportion the Representatives, but the Secretary of Commerce will be, if this thing ever becomes a law, a powerful factor in the election of the President of the United States.

The provision in this bill allowing Congress to give to the Secretary of Commerce this power is unconstitutional. For these reasons I voted against the bill.

I hope that I shall have the opportunity to vote for an apportionment bill, and I trust that the Republicans will in the near future bring out such a bill.

SPEECH OF MR. HARTLEY SANDERS, OF WEST VIRGINIA

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent that my colleague from West Virginia [Mr. STROTHER], who is ill, be permitted to extend his remarks in the RECORD by inserting a speech delivered by Hartley Sanders, president of the Bar Association, of Mercer County, W. Va., on Why Democratic Institutions Will Prevail.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. STROTHER. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following speech delivered by Hartley Sanders, president of the Bar Association of Mercer County, W. Va., before the twenty-third annual meeting of that association, held at the West Virginia Hotel, Bluefield, W. Va., on December 28, 1926:

WHY DEMOCRATIC INSTITUTIONS WILL PREVAIL

At the last annual meeting of the American Bar Association, held at Denver, Colo., in July of last year, 1926, Hon. James M. Beck, until recently Solicitor General of the United States, a man eloquent and forceful, delivered an address on the subject: "The future of democratic institutions." This address was heralded by the press of the country as one of the outstanding features of the convention. I have read the address and reread it. From it, I have gathered, and anyone who reads it will gather, an abiding conviction of the perpetuity of democratic institutions. There is a swell and flow about its logic and eloquence that carries one far out into the deeps of conviction, until one is forced, with Beck, to say as he lays aside the paper: "A democracy is the only form of government that is consistent with self-respect. To it there is no thinkable alternative with which a proud and intelligent people will be lastingly satisfied."

Some weeks after my first reading of the Beck speech, I had the good fortune to hear an eminent divine deliver a public utterance on the subject: "The spirit of progress." In it, he treated his subjects in a strikingly similar fashion to the treatment by Beck in his address of "The spirit of democracy." Beck had said in his speech: "Democracy is something more than a form of government—it is a great spirit," and, in effect, he had added: "It advances with the cycles of progress." The eminent divine had said in his utterance: "Creation is founded on the idea of progress, and progress is only another name for an approach to the divine ideal."

So forcibly was I struck with the similarity of the treatment of the two subjects—in fact, with the real kinship of the two subjects themselves—that the question arose in me: Are the terms synonymous when applied to governments? Could they be so construed? Is the advancement of democratic institutions merely the forward marching of the spirit of progress? Is there, as it were, a destiny in it all, and will democratic institutions survive and, in the end, democracy prevail?

Instinctively, intuitively, I answer this question in the affirmative.

Instinctively, intuitively, the mind and heart of any true American would answer this question in the affirmative. Who, under the benign influences of our free American institutions, could answer this question in any other way?

But, merely to give an answer to a question, even though the answer be correct, is not always satisfying nor final to the reason. It is like looking for and finding the answer in the back of the book without working the problem. It actually leaves the problem unsolved. It does not give the premises on which the conclusion is based; and the premises are the bulwarks of security to a conclusion.

Therefore, assuming that our answer is correct—that is, that democratic institutions will survive and that democracy will prevail—still the question is left: Why will democratic institutions survive and in the end prevail? Which question presents the subject which I desire to here briefly consider with you?

First. Democratic institutions will survive and prevail, I submit, because of the blood and sinew of the peoples to whom has been com-

mitted by Providence the bearing of the torches of democracy in the march of civilization and progress.

In this great procession, America leads the van. Of this, as a liberty-loving people, we are justly proud; and the nations of the earth give homage. England, with its unwritten constitution of freedom, founded upon precedents, is possibly more democratic in its governmental institutions than the Republic of the United States of America itself. True, there is a king; but he dare not exercise even the veto power in that parliamentary government, where the voice of the people is heard. And this power has not been exercised by the crown for generations. Germany, with her wide borders and intelligent and progressive people, with fetters broken, has unfurled her broad banner in this march and is now heralded as a republic. France, with her memories of the bastile, has been, long since, in democracy's train. Czechoslovakia, with its expanse of territory and hardy people, until 1918, forming a large portion of the late Austria-Hungarian empire, by its revolution of that year, became a republic and now floats the flag of freedom. In the very center of her city of Prague, surrounded by buildings, many of them going back to the thirteenth and fourteenth centuries, there has been erected, since the revolution, by this free people, a beautiful and stately statue of John Huss, the martyr, who defied autocracy in the name of truth and liberty many centuries ago, for he is the natural national hero of this people. And I need only call your attention to the governments of many other of the present European nations. Many have set up free governmental institutions. Even Russia is no longer dominated by absolutism but is groping for a new day of freedom. True, there yet remain a few kings, but even those that remain are largely bereft of their powers. Also, true, in a few instances, dictators have been established from which Beck takes alarm; but it will be noted that even this has been by the will of the people.

Who, then, are these peoples that bear the torches of democracy?

They are the peoples that govern and control or dominate, through their peoples' governments, directly or indirectly, by colonization, mandates, or otherwise, the great majority of the peoples and the greater area of the territory of the globe. They are the peoples that control and dominate the commerce of the lands and of the seas. They, together, compose the most potent and aggressive physical and moral force in the civilization of the world.

What, then, of their blood and sinew? They are all of one blood, of one common, original stock—a stock which has been marked by its ambition, independence of spirit, and aggressiveness through the cycles of the ages.

History says that the primitive Indo-Europeans were the original stock—in so far as they are not of Semitic or Turanian descent—from which all European nations sprang, and the present Americans came from the peoples of the European nations. At different epochs branches separated from the main trunk to which the present inhabitants of the various European countries and America owe their origin. Previous to the Latins or Italians, "the ancestors of the Greeks settled in the peninsula, which spread out its arms, as it were, to grasp the venerable culture of the East and to seize the innumerable civilizing influences for introduction into their own homes for their own development." The Latins or Italians, to whom fell so mighty a rôle in the history of the world by reason of the growth of Roman power, were followed by the Celts, and these by the Germans and Slavs, whose development was not effected in antiquity like that of the classical races but in the period of migration of nations and in the Middle Ages.

Out of this original blood, some branch of it, sprang the Cæsars; of this original sinew there was composed the great Napoleon, springing from obscurity on the island of Corsica to the headship of a great European empire, created by himself. And from this same blood and sinew came our own Washington and our other beloved American revolutionary leaders. These, and others, that rank into the millions in numbers are, however, only great exponents of the peoples of this stock. And the spirits of these are only typical of the spirits that dominate the breasts of these whole peoples. Nowhere in the history of the nations of these peoples is it written that they built a wall around the territory of their governments and garrisoned it to keep the influence of the people of the other nations out and to keep themselves and their influences within, but, rather, is it written, in blazing letters, that all mankind may read: These are the peoples in whose breasts sprang, eternal, the hope of liberty! Ambition, indomitable energy, impulsive, impetuous aggression, invincible demand for "the full right to pursue their own true and substantial happiness," have been their characteristic marks down through the generations. In industry, in art, in literature, in statecraft, in human imagination and dreaming, industrially and spiritually, they have been indomitable. In the eighteenth century the machine was created from their imagination; and from their dreaming, at the same time, backed by their ambition and indomitable courage, there sprang further full-fledged democracy. While in England, France, and America, fired with the blaze of the renaissance, heroic souls were fighting for greater freedom, Watt, as Beck states, was creating his steam engine and Ramsey and Fitch were adjusting it to commerce and transportation. Industrial freedom and governmental liberty were born twin children. In this connection James M. Beck has said:

"The democracy of the hand and the democracy of the soul are, in the last analysis, but one manifestation of the same unconquerable spirit whose ultimate claim is that man shall be in truth, as well as in theory, 'master of his soul and captain of his fate.'"

And it is into the hands of such peoples as these, with such blood and such sinew, that the torches of democracy have been committed, in the great march of progress. Who then can say, who then dare say, that these torches will not be borne on to ultimate success and victory by such peoples?

Second. Democratic institutions will survive—will prevail—we submit, because these peoples who bear its torches in the march of progress are the peoples—in striking contrast with all other peoples of the globe—who have caught and obeyed the vision of the new day; the vision of the day of the new order of things; the vision of the day of the rights of men and of their duties, as between man and man, and as between nation and nation—the vision of democracy.

This new day was proclaimed by the bright and morning star that arose over Bethlehem of Judea 2,000 years ago. This morning star arose as the proclaimant, the forerunner, of the eternal sun of righteousness, of truth, of justice, of brotherly love; of democracy, the beams of which sun, with healing in its wings, have long since streaked our eastern sky with its great shafts of purple, red, and gold, and its effulgent rays are now flooding the world, as it ascends to its zenith in the heavens.

Under its influence our country was founded. On Plymouth Rock there landed and on the shores of Massachusetts, as well as on the shores of Virginia, there was established a people who repulsed autocracy and turned their backs on absolute monarchy, because they had caught the vision of liberty and democracy.

That was in the breaking forth of the new day of freedom, and liberty was placed in their grasp due to their obedience to the vision. Long had the lone night-watchman watched and waited through the dreary night of darkness for the morning star of hope, while government by absolute monarchy prevailed in the world. Through generations and centuries and long reaches of ages, the long night endured. Only the few, the privileged, under the prevailing rule and conditions, were afforded the great boon of even limited enlightment. And even this enlightenment was confined and "schooled," so that only certain doctrines and conceptions were allowed or countenanced or grasped. Even that the earth was flat, was then the doctrine, and the confines of Eastern Asia and Western Europe were its outer boundaries. The doctrine that the waters of the great river Nile were controlled at its source by an angry god who loosed or checked them according to his temperament or whim was among the prevailing beliefs. Kings reigned by divine right, and the people were serfs and slaves by the same authority. But finally enlightenment came. A star arose and a new day dawned and with it came a clearer vision. The night was dispelled and under the beams of the ascending sun the vision of the people grew clearer and clearer, until, through education, the vision now shows that the earth is round; through education, the vision shows that the flood waters of the Nile are due to the tropical summer rains at its source; through education, the vision shows that the power of kings is not of divine right; through education, the vision shows that the people are not serfs and slaves, but that all men are created "politically" equal and that "government should not give to any man an artificial and law-made advantage over another." "Equal and exact justice to all men, special privileges to none," is blazoned in the skies, so all men may read.

When Jefferson, the writer of our Declaration of Independence, was asked a few days before his death, to which Beck alludes, to write a sentiment on men's conception of democracy, he wrote: "The eyes of men are opened and opening to the rights of man. * * * The mass of men are not born with saddles on their backs nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God."

Thus the advancement of democracy has been made under the enlightening rays of this sun, until there is now seen plainly the doctrine of the universal brotherhood of man, the doctrine of: In honor preferring one another, not slothful in business, fervent in spirit, serving the Lord, which serving in the present-day enlightenment is interpreted to be and to be performed by serving our fellow man.

And how this doctrine has grown. Only a few decades ago and any delegation of people from one nation to the people of another nation was sent alone for some ulterior or personal purpose. But now international conventions of commercial and other organizations are convened where sit together around the banquet board men of all the different climes and tongues. Organizations, international, are sought to be and are being established for promotion and perpetuation of universal peace; world courts are being set up for the settlement on the basis of justice of disputes between nations. True, none of these agencies will succeed unless there is underlying them as a foundation therefor the fundamental principle of justice and right and fair deal-

ing, the brotherhood principle just stated; but failing or succeeding, these efforts all show the trend and they are all due to the widening scope of the vision of democracy, which scope is widening to the extent and as an illustration, so that in the spring of this coming year of 1927 there has been called to meet in international convention at Ostend, on the war-torn soil of Belgium, the representatives from every clime and state and civilized nation of a social international organization, created in America, which organization represents alone the principle of service to fellow man.

The advancement of democracy is certain, because the peoples have caught the vision thereof and must follow on. Like after marriage or after the birth of one's first born, a new outlook on life, a new vision, comes which completely outreaches and eclipses any former vision. And the peoples, having once caught the vision of democracy, can not turn again to the dark halls of monarchy and be satisfied.

Solomon, years ago, said: "Where there is no vision, the people perish." The converse of this proposition is equally true: Where there is a vision, the people lead on to prosperity and to progress. And these peoples have caught and hold the vision of democracy.

Third. Democratic institutions will prevail, because democracy is correct and eternal in principle.

To adapt Hamlet's expression to the situation: There is a seeming divinity that shapes its ends, rough-hew them how we will.

De Tocqueville, nearly a hundred years ago, before democratic institutions had ever reached their present stage of elaborate development, as he is quoted by Beck, says: "The gradual development of the principle of equality is a providential fact. It has all the chief characteristics of such a fact; it is universal, it is durable, it constantly eludes all human interference, and all events as well as all men contribute to its progress."

James M. Beck himself said in his address: "Let us remember that democracy is something more than a form of government; it is a great spirit. Whatever may be said in this temporary ebb tide of democracy as to the fate of parliamentary institutions, democracy as a social ideal is as dominating and beneficent to-day as it has ever been."

Further, he said: "The great fact to-day is that * * * democracy * * * as a social spirit is at high tide. Let us not be discouraged if there be a temporary reaction against democratic parliamentary institutions. Human progress moves in a constant series of ascending and descending curves, or, to change the metaphor, its forces are at times centripetal and at times centrifugal. Man has, through all history, passed through a ceaseless cycle of integration and disintegration. Every age, marked by the concentration of power in the hands of a few, has been followed by a redistribution of that power among the many." * * *

In this connection, and by a similar figure, and one which I like much better, the eminent divine, in his utterance, to which I have heretofore alluded, has said: "Providence has arranged for the ideal to be reached by a regular and normal growth, which we call progress." Again: "Conservatism is stagnation, and when this becomes pronounced, it dams up the stream. When the drift is high enough, the stream overflows with terrible results, and we call it revolution." And again: "Man's progress has been irregular, spasmodic, and sporadic, but it has also been certain and inevitable."

And, bolder than all, with a faith that knows no fearing, that enthusiastic, noble Democrat of our time, John Bright, in a beautiful prophetic statement, we hope it to be, quoted as a conclusion to his address by Beck, has said: "I see from the East unto the West, from the rising of the sun to the going down thereof, in spite of what misled, prejudiced, unjust, and wicked men may do, the cause of freedom still moving onward; and it is not in human power to arrest its progress."

But, laying aside what statesman, scholar, and divine have said, and applying the measurement of truth itself as the test, is it not correct that we find that the principles of democracy accord with the principles of justice and righteousness? If this be so, need we then go further for an answer to our question? And who can arise in his place and successfully say that it does not?

Therefore, as a conclusion from these premises, and as a recapitulation thereof, it is confidently submitted that democratic institutions will in the end prevail in the governments of the earth:

First, because of the blood and sinew of the peoples that bear democracy's torches in the march of civilization.

Second, because these peoples have caught and obeyed the vision of democracy, made clear in the skies by the rays of the sun of righteousness; and

Third, because democracy is correct and eternal in principle.

These are at least three of the fundamentals upon which democracy is based, and as long as it sits upon such foundation its position is secure. And we, as Americans, as world-renowned exponents of liberty, in whose harbor stands the Goddess of Liberty, facing the rising sun, holding aloft the torch of freedom that all men may see, say to democracy on its onward conquest of the world:

"Our hearts, our hopes, our prayers, our tears,
Our faith, triumphant o'er our fears,
Are all with thee, are all with thee!"

However, it is not always safe to be too smug in a sense of security, for America is the bearer of the foremost torch in the procession of democracy, and the eyes of the world are upon us. It behooves us, therefore, to exercise eternal vigilance. Hardly can we think that our free institutions will ever perish. But other democracies before ours, with faith in their cause, have flourished and then failed.

Florence was a republic for 1,300 years, Venice for 1,100 years, Carthage for 700 years, and Rome for 500 years. The causes of their downfall were various, but they centered in the corruption of the people and their disregard for law. Against such a calamity we need to be perpetually on guard. Attacks from foreign foes are not what we need most to fear, but, with Edwin Markham, the American poet, author of The Man with the Hoe, we say we need most to fear—

"The vermin that shall undermine
Senate and citadel and school and shrine—
The worm of greed, the fatted worm of ease,
And all the crawling progeny of these—
The vermin that shall honeycomb the towers
And walls of state in unsuspected powers."

Let us take alarm therefore, at the news that a national legislator has been elected to his place by the profligate corruption of the electorate; let us take alarm when this news fails to arouse our people from their beds of ease and comfort; let us take alarm when we behold a growing disregard for law; let us take alarm when there begins to creep into the channels of our citizenship a different blood and sinew from the original stocks of democracy; let us take alarm when the people begin to be unmindful of their vision. For these things strike at the very foundation stones in the edifice of democratic institutions.

In conclusion I want to say that I am presenting this address to the members of the bar because democracy has a faith, and a cause for its faith, in the members of this profession superior to its faith in the members of any other profession or calling. For lawyers have declared its principles for the people, have written its constitutions for their governments, have inscribed its laws and defended its rights in a manner and with a faith that has not been allotted to others. They are the high priests of its temples, and through them its prayers are offered and its supplications made.

It was a young lawyer of Virginia who penned our Declaration of Independence. It was the early American lawyers that wrote our Constitution and it was the voice of the lawyers that was raised for the preservation of our Union, in our national halls of state, in the dark days of our history, and it is their voice that is ever raised in defense of our fundamental law.

What is true here is true and applicable in other governments by the people.

But these lawyers are gone—they are dead and dying, and only their memory remains green in the minds and hearts of our people. Their mantles have fallen upon us, as their successors at the bar, and with them a sacred duty comes. Therefore, adapting the words to this occasion of that immortal democrat, Abraham Lincoln: Is it not fitting "for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion"? It is fitting for us to "here highly resolve that these dead shall not have died in vain, that this Nation, under God, shall have a new birth of freedom and that government of the people, by the people, for the people, shall not perish from the earth."

UNJUST AND UNFAIR COAL FREIGHT RATES

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter and memorial from the United Mine Workers of America, addressed to the Members of the Senate and the House of Representatives, on the question of coal freight rates.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

UNITED MINE WORKERS OF AMERICA,
Indianapolis, Ind., February 8, 1927.

MY DEAR CONGRESSMAN: I wish to present for your consideration the inclosed memorial to Congress unanimously approved by the convention of the United Mine Workers of America in session in Indianapolis, Ind., on January 31, 1927.

The question of coal freight rates referred to in this memorial is of vital interest to the United Mine Workers and to the business interests and citizens of many States.

The facts set forth in the inclosed memorial tell the story in part of the depression resulting from burdensome, uneconomic freight rates.

Respectfully yours,

THOMAS KENNEDY, *Secretary-Treasurer.*

To the Members of the Senate and House of Representatives, Washington, D. C.:

On behalf of the coal-mining industry and many of the citizens of the States of Indiana, Ohio, Pennsylvania, and Illinois we have the

honor to direct your attention to a condition, which, in our opinion, menaces the welfare and prosperity not only of these but also of a number of other States. Apart from its economic aspects this situation involves a question of fundamental justice and equity that can not be ignored.

The coal industry of Indiana, Ohio, Pennsylvania, and Illinois is being destroyed by the existence of unjust, unreasonable, and arbitrary discrimination in freight rates. These rates were imposed, we contend, in violation of the letter and spirit of the interstate commerce act and in defiance of sound economic principles.

It is not our purpose in this memorial to present in detail the evidence available to demonstrate that the freight rates on coal from the mines of these districts to the principal markets are unjust and discriminatory by every test and every standard. We desire merely to present certain outstanding facts which can not be disputed.

1. The coal fields of Pennsylvania, Ohio, Indiana, and Illinois are located nearest to the great coal-consuming markets and shipping points at tidewater, the lower lake ports, and Chicago, respectively. East of the Mississippi and north of the Ohio and Potomac Rivers this is true with reference to every important coal-consuming market. These coal fields are entitled, therefore, to the advantages of their superior natural location.

Nevertheless, these coal fields have been virtually driven out of their natural markets and thrown into a condition of extreme depression by an unjust and unreasonable freight-rate policy.

2. This was accomplished originally by imposing excessive rates upon coal from the Indiana, Ohio, Pennsylvania, and Illinois fields, and at the same time maintaining exceptionally low rates to the coal fields of Kentucky, Virginia, West Virginia, and Tennessee on the ground that they were an infant industry that required special encouragement.

For many years, therefore, the railroads have favored these long-haul coals by granting to them relatively lower rates to these markets than to the coal mines of Pennsylvania, Ohio, Indiana, and Illinois, and in some cases absolutely lower rates for much longer hauls to the important markets.

We do not know whether there is any warrant in law for thus stimulating alleged infant industries by the granting of preferential freight rates at the expense of other districts and other shippers. Nevertheless, even if we grant the original propriety of such preferential treatment, it is obvious that the justification for it has long ceased to exist. The coal fields of Kentucky, Virginia, West Virginia, and Tennessee are no longer infant industries, but, according to the United States Coal Commission, have been overdeveloped by this artificial stimulation.

3. This discrimination has been aggravated by the policy pursued since the war of maintaining the fixed differentials established during these earlier years and granting flat increases of so many cents per ton to the railroads. It is notorious that during this period the value of the dollar has been deflated until to-day it has only a fraction of its former purchasing power. This policy has resulted in imposing much higher percentage increases in the short hauls from Indiana, Ohio, Pennsylvania, and Illinois than on the longer hauls from other districts. Thus the average increase in the rates from Indiana, Ohio, Pennsylvania, and Illinois since 1917 will approximate 100 per cent, which is in many cases more than double the rate of increase that has been awarded the favored coal fields of Kentucky, Virginia, West Virginia, and Tennessee.

Even more unjustly this policy has proportionately lowered the value of the unreasonable differentials originally existing. It is obvious that with a 50-cent dollar a differential of 60 cents becomes worth only 30 cents.

We contend that this plan of freight-rate adjustment by the imposition of flat increases of so many cents per ton and the maintenance of the differentials fixed before the war when the value of the dollar was much greater is unsound, unscientific, and destructive of the welfare of any industry to which it is applied. It inevitably overstimulates some districts and depresses others.

Furthermore, it is not in accord with the policy pursued in the readjustment of freight rates generally where percentage increases have been applied.

4. This inequitable and unscientific method of readjusting freight rates has driven the coal producers of Pennsylvania, Ohio, Indiana, and Illinois out of their legitimate markets and brought them to a condition of depression and bankruptcy.

Widespread depression exists in every section. Mines are idle. Production is diminishing. Values have decreased by enormous amounts and the losses thus far sustained can not be further endured without precipitating bankruptcy on a colossal scale.

On the other hand, the competing mines in Kentucky, Virginia, West Virginia, and Tennessee as a result of these special favors have increased their production, opened new mines, and thus added to the already demoralized condition of the industry.

5. This has not benefited the consumers of the United States. On the contrary the records of the Interstate Commerce Commission show that industrial consumers and State commissions in the States west of Lake Michigan and Lake Superior have vigorously supported the coal producers of Indiana, Ohio, Pennsylvania, and Illinois in their demands for rate revisions.

6. Nor have these excessive charges for coal benefited the railroads serving the Indiana, Ohio, Pennsylvania, and Illinois mines. Because they are higher than the traffic can bear, they have enormously reduced the tonnage shipped and thus caused these carriers heavy losses.

Thus the president of the Chicago & Eastern Illinois Railway in his annual report for the year ending December 31, 1924, stated:

"Losses sustained by this company in 1924 from mines on its line were made up by increased tonnage of nonunion coal from connections.

"The effect of this, however, was a longer haul and a decrease in earnings per ton. The average haul on coal increased 7.17 per cent, while the rate per ton decreased 4.3 per cent, the result being a decrease in earnings per ton-mile of 10.75 per cent, equivalent to a decrease of $308,433 in gross revenues. The amount collected from the E. J. & E. Railway for trackage decreased $273,650, due to less coal tonnage handled by that company from Indiana and Illinois mines."

This report of the C. & E. I. R. R. shows that in the year 1924 the carrier's revenue from coal, as compared with 1923, had decreased $582,083.

7. As a result of these excessive discriminatory rates it is extremely difficult for the Indiana, Ohio, Pennsylvania, and Illinois mines to compete in their natural markets.

8. The present unjust freight rate relationship affects the public interest by promoting a waste of transportation. Coals are being hauled between 400 and 600 miles, while mines within 200 miles of Chicago and the lake ports, the tidewater ports, and other destinations in this territory are shut down for lack of business. Public interest is affected not only by these unreasonably long hauls but also by the improper use of special purpose coals, the national supply of which is limited.

9. The low freight rate to the coal fields of Kentucky, Virginia, West Virginia, and Tennessee has resulted in the uneconomic opening of new mines in those regions, in violation of the recommendations of the United States Coal Commission.

This commission in its report to the President and the Congress declared:

"Cost of the long haul to the consumer: There is little dispute of the fact that the differentials in rates, early established and but slightly modified since, by which these remote coals are able to enter the large consuming markets do not reflect the differences in cost of transportation. It is equally evident that the long haul brings about a dilution of coal-car equipment and other transportation facilities. Since in the aggregate the consumers must pay the total cost of all transportation, whatever actual loss or inadequate return is incurred as a result of these long hauls on coal is paid for in the rates on other coal or other commodities."

The commission definitely recommended:

"Gradually and without undue violence to established conditions the rates should be readjusted to reestablish more natural relations between the elements of cost and service which will make for economic zoning. The result will be a reduction in the total cost of transportation to the Nation."

The extreme distress and depression produced in the northern coal districts by these freight rate discriminations has never been more forcefully described than in the recent report of William A. Disque, an examiner for the Interstate Commerce Commission, denying the reductions in rates which had been requested by the Indiana operators. Examiner Disque declared:

"Complainants fear that the situation threatens the gradual extinction of their industry. Many of the mines, perhaps more than half of them, are idle. Most of them that are still operating are doing so intermittently and at little or no profit. A number are in receiverships. The social and business life of the mining communities is in deplorable condition. Thousands of miners and other people directly or indirectly dependent upon the industry are out of work. Commercial activity in general in the affected districts is at low ebb."

In this report the examiner of the Interstate Commerce Commission admits the facts regarding the freight rate discriminations as charged and the exceptionally favorable conditions for hauling Indiana coal at low cost. Nevertheless, in his decision he goes outside the record, manifests undue prejudice, and distorts the evidence actually presented in order to find cause for denying any reduction.

In the Lake Cargo case we have the exact reverse. There the examiner recommended a reduction in rates for the Ohio and Pennsylvania fields, but the commission, by a bare majority of one, after admitting the gross discriminations complained of, overruled the examiner and denied relief.

The motives underlying the maintenance of the unreasonable and abnormal freight rates were exposed by Commissioner Eastman in his dissenting opinion in the Lake Cargo case when he declared:

"The abnormal increases in the rates in question have been made not because of any proof or even claim of justifying differences in transportation conditions, but solely in order that certain established differentials favoring coal-producing districts much more distant from any lake port might be preserved for the benefit of those districts."

Even more specifically Commissioner Eastman declared:

"I entertain no doubt whatever that nothing has been shown which warrants the imposition of relatively high rates upon the northern districts in order that the southern districts may have the benefit of relatively low rates; and that is what has plainly occurred. There may be cases where a group adjustment warrants the imposition of such a penalty upon the shorter hauls, but there is no such situation here."

We can not find in the interstate commerce act or in any other legislation ever passed by Congress any warrant of law for such discrimination in favor of any industrial district or any group of corporations. Such discrimination is abhorrent to every American tradition and would be a gross violation of the Constitution of the United States.

If there is any legislation now on the statute books which is held to confer the power to establish and maintain such discrimination in favor of any geographical or industrial district of the United States, we hold that it is the duty of Congress to ascertain that fact and amend or repeal it.

We therefore earnestly petition the Senate and House of Representatives, through the appropriate committees, to investigate thoroughly the relation of freight-rate discrimination to the extreme depression of the coal industry of Indiana, Ohio, Pennsylvania, and Illinois, and the adequacy of existing law to afford relief.

We further urge Congress, after due consideration, to take whatever action may be necessary to put an end to the unjust discrimination complained of, and to protect the interests of coal producers and consumers, as well as the railroads, which depend upon this traffic.

Respectfully submitted.

JOHN L. LEWIS, *President,*
PHILIP MURRAY, *Vice President,*
THOMAS KENNEDY, *Secretary-Treasurer,*
United Mine Workers of America.

Unanimously approved by the convention of the United Mine Workers of America, in session in Indianapolis, Ind., January 31, 1927.

REAPPORTIONMENT

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the apportionment bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I shall vote against this bill (H. R. 17378) known as "A bill for the apportionment of Representatives in Congress." My objections to the bill are several. In the first place, the Constitution of the United States directs Congress, after three years, to make an apportionment according to the population every 10 years thereafter, based upon the census. This bill does not base the apportionment upon the census of 1920, as in my opinion it should do, but attempts to base the apportionment upon the census of 1930, and prescribes that the House of Representatives shall be composed of 435 Members.

I am in favor of keeping the limit at this number, but I do not see why this Congress should attempt to tie the hands of a Congress which is to come after the census of 1930. The census of 1930 will take several years, so we are trying to legislate what Congress shall do five or six years from now. This is preposterous, in view of the fact that under the Constitution, the Congress at that time would have the right to repeal this bill if enacted and use their own best judgment in the premises.

Then it is proposed by sections 2 and 3 to divest Congress of its legislative powers as prescribed by the Constitution, and to place this apportionment in the hands of the Secretary of Commerce. These two sections I here insert for full information:

SEC. 2. That, as soon after the next and each subsequent decennial census of the United States as the aggregate population of each State and of the United States shall have been ascertained and duly certified by the Director of the Census, it shall be the duty of the Secretary of Commerce, on the basis of these results, to apportion 435 Representatives among the several States by the method known as the method of equal proportions, based on the principle that the ratios of population to Representatives shall be as nearly as possible the same in all States: *Provided,* That each State shall have at least one Representative.

SEC. 3. That when the Secretary of Commerce shall have apportioned the Representatives in the manner directed in the preceding section of this act among the several States under the fifteenth or any subsequent decennial census of the inhabitants of the United States, he shall as soon as practicable make and transmit under the seal of his office to the Clerk of the House of Representatives a certificate of the number of Representatives apportioned to each State under the then last decennial census.

Note what section 3 says:

That when the Secretary of Commerce shall have apportioned the representatives, etc. * * *

Note also this section prescribes that when he shall have made the apportionment according to the Fifteenth Census (that of 1930) or any subsequent decennial census; in other words, this bill not only vests in the Secretary of Commerce the power to make the apportionment, according to the Fifteenth Census, but it prescribed "or any subsequent decennial census." When we realize that the Constitution of the United States vested this power in Congress and Congress alone, we may well see what vast power this act places in the Secretary of Commerce.

I am absolutely opposed to any encroachment by legislation or otherwise of the Executive or any of the departments upon the prerogatives of the Congress, so long as we adhere to the provisions of the Constitution so long is the old ship of state safe, but when we deviate therefrom certainly we are traversing dangerous ground.

I should be very glad indeed to vote for an apportionment bill based upon the census of 1920, and thereby carry out the express direction of the Constitution, but I am unwilling to vote for a bill so dangerous, and, to my mind, so useless as the measure before us. I do not believe it to be constitutional, because there is no provision in the Constitution by which Congress has the power to delegate legislative action to any of the departments of our Government.

I regret exceedingly that Congress has not been able to pass the proper apportionment act, but certainly it would not be an answer to this dereliction of duty to pass a measure which is frought with dangerous precedents and obvious unconstitutionality.

BUILDING FOR CUSTOMS PURPOSES IN THE CITY OF NEW YORK

Mr. GREEN of Iowa. Mr. Speaker, I call up Senate bill 5339, to authorize the Secretary of the Treasury to enter into a lease of a suitable building for customs purposes in the city of New York, as amended and reported by the Ways and Means Committee, and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the immediate consideration of Senate bill 5339, as amended, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized, in his discretion, to enter into, on behalf of the United States, a contract of lease, for a period of not more than 20 years, of a modern, fireproof building, to be erected on a plot of ground known as block 581, bounded by Varick, King, Hudson, and West Houston Streets, as shown on the land map of the Borough of Manhattan, city of New York, and to contain not more than approximately 1,040,000 square feet. Such contract shall be upon such terms and conditions as the Secretary of the Treasury deems advisable, except that the annual rental shall be at a rate not in excess of $1 per square foot and such contract shall provide that the lessor shall convey to the United States all right, title, and interest in the site upon which such building is erected, together with such building, free and clear of all incumbrances, (1) upon the expiration of the period of the lease and without the payment of any compensation by the United States in addition to the annual rentals, or (2) at any time prior to the expiration of the period of the lease, upon the payment by the United States of an amount equal to the present value, at the time of such payment, of the annual rentals for the unexpired period of the lease, based upon a rate of 4½ per cent compounded annually. Such building shall be for the use of the United States appraiser of merchandise, United States Customs Court, and other governmental officers in the city of New York; and the Secretary of the Treasury may, if he deems it to the best interests of the Government, lease or sell, upon such terms and conditions as he deems advisable, the premises located at 641 Washington Street, New York City, now occupied by customs officers and other officers of the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury is authorized to enter into a contract, on behalf of the United States, to purchase, upon completion, a building to be erected (in accordance with plans and specifications approved by the Secretary of the Treasury and containing not less than 989,000 square feet) upon the plot of ground known as block 581, bounded by Varick, King, Hudson, and West Houston Streets, as shown on the land map of the Borough of Manhattan, city of New York,

together with such plot of ground. The total cost to the United States of such building and plot of ground shall not exceed $8,000,000. Such building shall be for the use of the United States appraiser of merchandise, United States Customs Court, and other governmental officers in the city of New York; and the Secretary of the Treasury may, if he deems it to the best interests of the Government, lease, or sell, upon such terms and conditions as he deems advisable, the premises located at 641 Washington Street, New York City, now occupied by customs officers and other officers of the United States.

"SEC. 2. In the event that the Secretary of the Treasury is unable to enter into such contract, he is authorized to acquire such plot by condemnation as a site for a building for such purposes.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, may I ask the gentleman whether it is his purpose to pass the bill just as the Committee on Ways and Means reported it and without offering any amendments whatever?

Mr. GREEN of Iowa. Yes.

Mr. GARNER of Texas. Let me say that unless it becomes a law in that form there will be no law at all at this session. I want to say to the House that this matter had about six weeks' consideration by the Ways and Means Committee. We believe that it is necessary to have this building; we believe that it will save the Government a great deal of money if this building is constructed, and the Ways and Means Committee, as I understand, is unanimously in favor of the bill.

Mr. O'CONNOR of New York. Will the gentleman permit me to ask him a question?

Mr. GARNER of Texas. Yes.

Mr. O'CONNOR of New York. Does the gentleman mean that the amount of $8,000,000 will not be increased at all?

Mr. GARNER of Texas. It will not be increased, or else there will not be any law.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa that the bill be considered in the House as in Committee of the Whole?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, this is an emergency measure. The building is very badly needed, and the Government is losing money every day by reason of not having it. The public also is greatly inconvenienced. This is a rare chance for the Government to get an appropriate site for a reasonable sum. If it is not acted on now, it may be lost, and the committee feels the measure should be passed at this time.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

CONFERENCE REPORT—LOANS ON ADJUSTED-SERVICE CERTIFICATES

Mr. GREEN of Iowa. Mr. Speaker, I call up conference report on H. R. 16886, to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted-service certificates, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from Iowa calls up the conference report on H. R. 16886, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16886) entitled "An act to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted-service certificates," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

W. R. GREEN,
W. C. HAWLEY,
ALLEN T. TREADWAY,
JOHN N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

REED SMOOT,
DAVID A. REED,
PETER G. GERRY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16886) to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted-service certificates, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On No. 1: This merely makes definite the time from which the interest on the loan from the Treasury to the Government life insurance fund shall begin to run, and on this amendment the House recedes.

On No. 2: This merely provides that a duplicate adjusted-service certificate may be issued without bond when it appears that the original certificate has been lost, destroyed, or defaced so as to impair its value, before delivery to the veteran, and the House recedes.

On No. 3: This provides for the repeal of the last paragraph of paragraph (7) of section 202 of the World War veterans' act, 1924, as amended. The House instructed its conferees to recede on this amendment, and the House recedes.

W. R. GREEN,
W. C. HAWLEY,
ALLEN T. TREADWAY,
JNO. N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

Mr. GREEN of Iowa. Mr. Speaker, I move the adoption of the conference report.

Mr. GARNER of Texas. Mr. Speaker, I would like to submit a parliamentary inquiry with respect to my understanding of the parliamentary situation with reference to this bill. There seems to be quite a jam over at the other end of the Capitol. If this conference report should not be agreed to by the Senate, as I understand, the bill would not then become a law. I want to inquire about the parliamentary situation and see if we can complete this legislation during this session of Congress, regardless of the conference report. If this conference report is not agreed to by the Senate this bill would not be sent to the President for his signature.

The SPEAKER pro tempore. As the Chair understands the situation, if it is not agreed to by the Senate it can not go to the President.

Mr. GARNER of Texas. Now, a parliamentary inquiry, Mr. Speaker. In view of the situation with respect to the conference report, suppose the House of Representatives on next Friday before its adjournment should want to concur in the original Senate amendments, could we do that under the parliamentary situation which would exist at that time? That would complete the legislation so far as an agreement between the House and the Senate is concerned.

The SPEAKER pro tempore. As the Chair understands the situation, if we once agree to the conference report the papers would be at the other end of the Capitol.

Mr. GARNER of Texas. My friend the gentleman from Georgia [Mr. CRISP], who is one of the best parliamentarians that has been in this House since I have been here, suggests that if we reject this conference report at the present time, we can then concur in the Senate amendments and complete the legislation; is not that true?

Mr. CRISP. Yes.

Mr. GREEN of Iowa. Very well, Mr. Speaker, I will withdraw my motion to adopt the conference report. The House wants this bill to become a law with the Senate amendments, and the will of the House ought to be carried out.

Mr. GARNER of Texas. The gentleman will withdraw his motion for the present?

Mr. GREEN of Iowa. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GREEN of Iowa. As I understand it, the conference report will have to be rejected and then I will move to concur in the Senate amendments.

The SPEAKER pro tempore. The question now is on agreeing to the conference report.

Mr. GREEN of Iowa. I ask unanimous consent that I may withdraw that motion.

Mr. CRISP. Let it go and we will vote it down.

Mr. GREEN of Iowa. Very well.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was rejected.

Mr. GREEN of Iowa. Mr. Speaker, I now move to recede and concur in the Senate amendments.

The motion was agreed to.

DISTRIBUTION AND SALE OF CAUSTIC ACIDS

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill (S. 2320) to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce, commonly known as the lye bill.

Mr. GARRETT of Tennessee. Let the bill be reported.

The Clerk read the title of the bill.

Mr. CRAMTON. Reserving the right to object, has the bill been reported by the House committee?

Mr. PARKER. Yes; it is a Senate bill reported without amendment.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from New York if it is a unanimous report.

Mr. PARKER. Yes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the bill may be considered as read.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

KATHERINE SOUTHERLAND

Mr. UNDERHILL. Mr. Speaker, I present a conference report on the bill (S. 1339) for the relief of Katherine Southerland.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1339) entitled "An act for the relief of Katherine Southerland, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

CHARLES L. UNDERHILL,
BIRD J. VINCENT,
JOHN C. BOX,
Managers on the part of the House.

RICE W. MEANS,
PARK TRAMMELL,
Managers on the part of the Senate.

The conference report was adopted.

PORT OF PORTLAND COMMISSION

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill (S. 5757) authorizing the Secretary of War to grant permission to the port of Portland commission to close the east channel of Swan Island, Oreg., a similar House bill (H. R. 17359) having been favorably reported.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill S. 5757 and consider the same. Is there objection?

There was no objection.

The Clerk read the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

HARRY CADEN

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4754) to allow credits in the accounts of Harry Caden, special fiscal agent, Bureau of Reclamation, Department of the Interior, and immediately consider the same.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

RELIEF OF HOMESTEAD SETTLERS IN MINNESOTA

Mr. WEFALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4239) for the relief of homestead settlers on the drained Mud Lake bottom in the State of Minnesota.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, is this identical with the House bill that went over to the Senate the other night?

Mr. WEFALD. Yes.

Mr. BLACK of Texas. Reserving the right to object, the House bill struck out a number of provisions and added another amendment. Is the Senate bill identical with the bill as amended?

Mr. WEFALD. It is identical.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read a third time, and passed.

A motion to reconsider was laid on the table.

JAMES C. BASKIN

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2279 and consider the same.

The Clerk read the title, as follows:

An act (S. 2279) for the relief of James C. Baskin.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The bill was ordered to be read a third time, was read a third time, and passed.

A motion to reconsider was laid on the table.

INVESTIGATION OF COTTON PRICES

Mr. McDUFFIE. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 439.

The SPEAKER. Is there objection?

Mr. ABERNETHY. I object.

Mr. McDUFFIE. I move to suspend the rules.

The SPEAKER. The Chair can not recognize the gentleman at this time.

CLAUDE T. WINSLOW

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4631 and consider the same.

The SPEAKER. Is there objection?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Claude T. Winslow, postmaster at Mayfield, Ky., in the sum of $74,628.45, due to the United States on account of money and postage stamps stolen from the safe of the post office at Mayfield, Ky., when burglarized on October 10, 1923.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, this is a Senate bill, as I understand. Has an identical House bill been reported in the House?

Mr. THATCHER. The House Committee on Claims to which the Senate bill was referred has reported the Senate bill favorably.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. THATCHER, a motion to reconsider was laid on the table.

IMMIGRATION

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 82. To amend subdivision A of section 4 of the immigration act of 1924.

The SPEAKER. Is there objection?

Mr. ABERNETHY. I object.

Mr. JOHNSON of Washington. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 82 as amended.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That subdivision (a) of section 4 of the immigration act of 1924 be amended so as to read as follows:

"(a) An immigrant who is the unmarried child under 21 years of age, the wife, or the husband, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9;"

SEC. 2. (a) Subdivision (c) of section 4 of the immigration act of 1924 is amended to read as follows:

"(c) An immigrant who was born in territory which at the time of the application for the issuance of the immigration visa is under the jurisdiction of the United States, or in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, or an independent country of Central or South America, and his wife, and his unmarried children under 21 years of age, if accompanying or following to join him;"

(b) So much of subdivision (a) of section 12 of the immigration act of 1924 as reads as follows: "An immigrant born in the United States who has lost his United States citizenship shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country, then in the country from which he comes," is repealed.

SEC. 3. Section 6 of the immigration act of 1924 is amended by adding at the end thereof a new subdivision to read as follows:

"(d) If before the close of any fiscal year the President finds that the estimated demand for immigration visas by quota immigrants of any nationality who are either relatives of citizens of the United States entitled to preference under paragraph (1) of subdivision (a) of this section or the wives, or unmarried children under 21 years of age, of aliens lawfully admitted to the United States for permanent residence, exceeds 60 per cent of the quota for such nationality for the ensuing fiscal year, he shall by proclamation so declare, and thereupon—

"(1) Paragraph (2) of subdivision (a) (relating to preference to skilled agriculturists and their wives and children) and subdivision (b) of this section shall not be in effect during such ensuing fiscal year in respect of immigrants of such nationality;

"(2) During such ensuing fiscal year, in the issuance of immigration visas to quota immigrants of such nationality preference shall be given to the wives, and the unmarried children under 21 years of age, of aliens lawfully admitted to the United States for permanent residence; and

"(3) The preference provided in paragraph (1) of subdivision (a) (relatives of American citizens) and in paragraph (2) of this subdivision shall not, in the case of quota immigrants of such nationality, exceed 90 per cent of the quota for such nationality. During such ensuing fiscal year the immigrants enumerated in paragraph (1) of subdivision (a) shall have priority in preference over those enumerated in paragraph (2) of this subdivison."

The SPEAKER. Is a second demanded?

Mr. ABERNETHY. Mr. Speaker, I demand a second.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Washington is entitled to 20 minutes and the gentleman from North Carolina to 20 minutes.

Mr. JOHNSON of Washington. This is a simple bill, and yet in the form in which it has to be written it appears to be technical, and will need a little explanation. Generally speaking, this affords relief almost entirely within the quotas for relatives of declarants. The bill also permits the coming into the United States of alien husbands married to citizen wives. This is the counterpart of that part of the law which permits citizen husbands to bring in alien wives.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. HUDSPETH. Are these admissions charged up against the regular quotas?

Mr. JOHNSON of Washington. It is my opinion, and the opinion of those best able to estimate, that this bill will cause an increase over quotas of about 3,000; but nearly all of those will be children of citizens, children between the years 18 and 21. The majority of our committee is inclined to think that a mistake was made when they limited the age of children of citizens to 18 years. That is particularly so with regard to girls. It is generally believed that 18 years is the wrong age to leave any girl anywhere without her parents. [Applause.] That 3,000 is an accumulation of these children over a number of years past. Once they have been admitted, there will not be any considerable part of that number at any time in the future. The number of children between the ages of 18 and 21 in the years to come, to come to their parents, will be very small. The stocking up of these children in countries with small quotas is the reason for the 3,000. It may not reach that number. If that many children of citizens are made nonquota, we thus open that many quota spaces in some of these smaller countries, where the congestion is the greatest, for the admission of wives and children of declarants who are here. This is a modest relief. It is all that we can do. It takes the place of a bill which passed the Senate, which was to afford relief to 35,000 wives and children, but which had the flaw in it of providing that the selection of those wives and children should be made on applications here, and our committee could see at once that if applications were made in that way, such applications would immediately disturb the waiting list of the State Department in various countries, thus to create confusion both here and there, so that plan was abandoned. Besides to admit 35,000 would be to pave the way for a call for a bill for another 35,000.

As to the other features, the first two provisions, the admission of alien husbands to citizen wives, and the provision admitting American women who were married before the Cable Act of 1922 to return to the United States, have been passed by this House as separate bills during this Congress in the other session, unanimously. They also passed the Senate separately, but in slightly different form. So they need not be debated, except to state that they are a part of this resolution. They are properly here. One came back from the Senate rewritten to the effect that the wife would have to prove her birth as an American. That would go back to birth certificates as far as 50 years ago, and longer, and in many cases the proof of that is impossible for lack of birth statistics.

Mr. CARTER of Oklahoma. Is there any limitation as to the time this thing shall be open?

Mr. JOHNSON of Washington. No. These provisions, in our opinion, and in my opinion particularly, are for the purpose of making the restrictive immigration act of 1924 stronger, by making it more workable, and to prevent it being always subject to being nipped at on account of these small inequalities as to wives and husbands. The numbers are small.

The next feature, Mr. Speaker, and the one that seems most to be misunderstood, is the so-called farmer provision. Gentlemen will remember that when the immigration act of 1924 was in conference, a distinguished and able Senator [Senator SIMMONS of North Carolina] insisted on a preference within the quota up to 50 per cent, to be divided equally between certain close relatives and farmers, the theory being that from the countries of north and western Europe if new immigrants were to come, a proportion of them should be of the farmer type. Now, we have saved that proposition, and properly so, and made it even more workable by providing in section 3 on pages 2 and 3 a sort of self-acting damper in the stovepipe—that long pipe through which the immigrants must come. When an excess of men come ahead of wives and children, the damper closes until the wives and children—coming within the quotas—can catch up.

Notice that this does not affect the north European countries, for there is no pressure from these countries. But in the south European countries from whence few farmers come, and where the demand is greatest, admission of wives and children to come to declarants it is provided when the authorities are able to determine that 60 per cent of the applications are for those wives and children to come to declarants in the United States, the farmer provision shall then go out for one year at a time. It is proper; it is almost automatic.

Mr. HUDSPETH. Mr. Speaker, will the gentleman please repeat that. I do not think we understand it.

Mr. JOHNSON of Washington. Let me state again that it affects immigration from southeastern Europe. It barely touches northern and western Europe. I shall read part of a letter from Mr. Carr, Assistant Secretary of State, which is in the report. Gentlemen will also find in the report some tables, which are very short and which will be quite easily understood. Mr. Carr says in that letter:

I think it is quite safe to assume that the situation in Europe, so far as the demand for quota immigration visas is concerned, is not

materially changed since June, 1925, when, for the information of your committee, the consuls were called upon to report their best estimates "based on correspondence or inquiries or other sources, considered reliable, of the number of would-be emigrants who are wives, husbands, or children under 18 of aliens now in the United States who have filed first papers between 1921 and 1924."

To the estimate so submitted, 10 per cent has been added as a factor to take care of children 18 to 21 years old and families of aliens who have filed first papers since 1924 or not at all. The result, where erroneous, probably understates the number of aliens involved in your measure rather than overstates it.

The tabulations are quite striking in that they divide quite sharply the countries of Europe into two categories. The only countries where further and more accurate data seem necessary to determine the category into which they would fall are Belgium and possibly the Netherlands. In the other countries the aggregate relative demand is either considerably less or considerably more than 60 per cent of the national quotas. In the countries of northern Europe where the relative demand is consistently less than 60 per cent of the quotas and where, therefore, the change in the system of preferences would be inoperative, visas were issued last fiscal year to 11,312 aliens skilled in agriculture, which was 85 per cent of the total number of agricultural preference visas issued.

In all of the countries of southern and eastern Europe with quotas of over 300 the measure under consideration would apply, no farmer preference visas would be issued, and 90 per cent of the quotas would be devoted to relatives of American citizens and of aliens lawfully resident here.

Column 2 in Table 2 indicates that if the relatives of American citizens, who for various reasons have not yet received visas, desire to take advantage of this provision and appear with the required documents and are found admissible, there should at the end of the next fiscal year be comparatively few deferred cases of this sort in Austria, Czechoslovakia, Finland, Lithuania, Poland, Portugal, Rumania, Russia, and Yugoslavia.

I am, my dear Mr. JOHNSON, very sincerely yours,

WILBUR J. CARR.

I should add one statement. Belgium has a very small quota—307 a year. Belgium is getting to the point where a number of heads of families have come here ahead of the families. It is quite reasonable, then, even if all the people who in that little quota from Belgium are farmers, that it would be better to slow down a little bit on the farmers until the wives and children come, or else we will have the same clamor, the same distress, and the same heart-sickening cries of the wives and children that we hear from all over the countries in southern and eastern Europe that have small quotas, and which appeal can not be granted on account of the great numbers.

Mr. GARNER of Texas. This bill does not change the situation with reference to Canada and Mexico?

Mr. JOHNSON of Washington. No; unfortunately we have not been able to attend to that yet. So many things have been before the committee that are pressing and which run into minute details, that we have had to take them one at a time.

Mr. GARNER of Texas. When you do reach that, I hope you will attend to it.

Mr. JOHNSON of Washington. Yes. If the gentleman will let me say it to him, this committee is working very hard and trying seriously and earnestly to build up a permanent immigration law for the future good of the United States. Nobody can make all at once a perfect immigration act that changes the whole immigration system of the United States and guarantee that it is perfect. Defects must develop. That is why the committee is trying to perfect by these minor amendments the present law relating to wives and children.

Mr. O'CONNELL of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. O'CONNELL of Rhode Island. Is it not true that in some of these countries that have very small quotas, part having to do with wives and children of immigrants already here and part having to do with farmers, the farmer portion of the quotas have not been exhausted, and you can very well give part of that allotment to the wives and children of others without materially increasing the number of persons admitted?

Mr. JOHNSON of Washington. Certainly, that statement is correct. Statements are issued monthly, showing for each country the number of visas granted as preferential. I have one here dated February 24, and I find, for example, only 75 from the one of the northern countries as prefential out of a possible 800; from France 63, and so on. But when we get down to the southern countries, we find by this table that Italy has 1,281, right up to the whole number they are allowed to take care of as preferences to that date. Russia has 702, all that they are allowed, and the line of these preference relatives standing in these congested southeastern European countries who are trying to get to the United States is enormous.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BURTNESS. Naturally I am interested in this agricultural preference. If I correctly understand the gentleman's contention, it is this, that this provision for the suspension of immigration will not apply in certain cases to such countries as Germany and Great Britain and Ireland and Belgium and Denmark. Does it apply to the Netherlands and Belgium?

Mr. JOHNSON of Washington. No; not yet. It might as to Belgium at some time, for Belgium has only 307 in a year, and the consuls estimate that 220 wives and children are among the applications to come from Belgium, but it so happens that no farmers are standing in line ahead of these wives. Belgium is the only north country, I believe, where the situation is right in the balance.

They are not subject to the distress that exists in such countries as Lithuania and Latvia and Poland and Italy and other countries, where the pressure for the admission of wives and children is so great that a committee of this House can not bring out and report a bill to take care of that situation because the numbers would absolutely frighten the House, to say nothing of alarming the whole country, which is demanding even more restriction, and should have it, I believe, as soon as we straighten up present conditions.

Mr. BURTNESS. Then the proposal in this amendment has simply no relation with the situation in the north of Europe?

Mr. JOHNSON of Washington. That is it.

This is a constructive piece of work. It will help the law. I give credit to my colleague from North Carolina [Mr. WARREN] and my colleague from Texas [Mr. Box] for their suggestions, cooperation, and help in the construction of this portion of the bill to remedy a situation where wives and children are eternally and forever left behind to cry aloud and affect the hearts and sensibilities of tender American citizens. That situation will run out as the automatic damper is applied.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; with pleasure, but I hope I can reserve some of my time for others.

Mr. HUDSPETH. That is made to apply to the wives and children of immigrants who are already here?

Mr. JOHNSON of Washington. Yes; the wives and children of immigrants already here.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. KINDRED. This is to take care of the wives and children of all American citizens?

Mr. JOHNSON of Washington. Yes; the unmarried children under 21, of American citizens; the returning American wife, and the alien husband of an American citizen.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; I yield.

Mr. LAGUARDIA. As a matter of fact, this change would limit the eventual number of immigrants, in that it brings in the families of those who are already here instead of bringing in husbands who would send for their wives and children later on?

Mr. JOHNSON of Washington. Yes; it helps to cut down the supply of new seed from the countries where the pressure for admission of wives and children is the greatest.

Mr. PERLMAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. PERLMAN. Is it not a fact that under the present law in the case of some countries having but a small quota it will take 20 years to bring in all the wives and children to this country?

Mr. JOHNSON of Washington. Yes, indeed; 4, 8, 10, 20 years, and perhaps longer.

Mr. BRITTEN. Is there anything in this bill that will prohibit the alien-born children of immigrants who are not yet of age from coming in?

Mr. JOHNSON of Washington. The fathers and the mothers of citizens have the preference now, and their children up to the age of 18, as the law now reads.

Mr. BRITTEN. Would the gentleman accept an amendment?

Mr. JOHNSON of Washington. I am sorry, but I can not accept an amendment now. We are acting under the suspension rule.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; I yield.

Mr. DICKSTEIN. Is it not a fact that visas of farmers' preferences lapse at the end of a year?

Mr. JOHNSON of Washington. Yes; that is quite true.

Mr. DICKSTEIN. The provisions of this bill have application chiefly to the congested sections?

Mr. JOHNSON of Washington. Yes. We can see vistas of waiting crowds of wives and children five years ahead, when the consuls know that as to the farmers, who must have preference, many are only nominal farmers.

Mr. MACGREGOR. Take the case of an American-born woman. Is there any question but that she can be admitted under the provisions as written in this bill?

Mr. JOHNSON of Washington. It is so understood by those who will administer it.

Mr. TREADWAY. Did the committee give consideration to the so-called Wadsworth amendment, and did the committee think it wise to insert it?

Mr. JOHNSON of Washington. We have considered that. It was put on another bill, a House bill, dealing with alien husbands and wives. We tabled that and brought out these amendments to a Senate bill. This is not the Wadsworth amendment.

Mr. TREADWAY. You were not able to consider it favorably in connection with this bill?

Mr. JOHNSON of Washington. No. We had too many facts as to numbers to warrant using the 35,000 limitation.

Mr. LAGUARDIA. All through the American-born section reference is made to "masculine." But that also relates to women?

Mr. JOHNSON of Washington. Yes. The present law is so read. Otherwise no women would be admitted from, for instance, Canada. Now, in conclusion, about four-fifths of the Members have asked for relief for relatives within the quotas. Here it is, just as nearly as it could be brought about by a conscientious, hard-working committee, of which I am extremely proud to be the chairman. [Applause.]

Mr. ABERNETHY. Mr. Speaker and gentlemen of the House, I hope gentlemen will give me their attention. This is a very important matter.

I followed the distinguished gentleman from Washington [Mr. JOHNSON] the whole distance when we passed the original immigration law. I believe in restricted immigration. There was an understanding, when we passed that law, between the two bodies, that what is known as the Simmons amendment was to be written and remain a part of the fundamental law of the land. Now, we find this situation here which I think the House should know about. We find the distinguished gentleman going over to the other side and letting up to the crowd that fought him and the balance of us who wanted restricted immigration; he is letting down the bars and doing away with the best class of immigrants. That is exactly what it does.

Mr. WEFALD. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. WEFALD. Does the gentleman know how many immigrant farmers we received from Great Britain during the last two years?

Mr. ABERNETHY. I do not know.

Mr. WEFALD. Will the gentleman allow me to make a statement?

Mr. ABERNETHY. Yes.

Mr. WEFALD. Not more than 1½ per cent of their quota.

Mr. ABERNETHY. Well, that is all right.

Mr. WEFALD. It shows that there is nothing to this preference.

Mr. ABERNETHY. Well, that may be the gentleman's opinion. I want to say to the House that if the gentleman will let this matter go over I can assure him that we will get together and work out the matter before the next session of the Congress in such a way that it will be absolutely satisfactory, but I can not afford at this time under the circumstances and knowing the agreement that was made—and I supported the gentleman and his committee in favor of restricted immigration—to sit idly by at this late hour of the session and not protest against changing the law to the detriment of our section of the country.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. JACOBSTEIN. Does the gentleman know of any section of the country that is crying for agricultural help to-day? Is it not a fact that we have too much agricultural help?

Mr. ABERNETHY. I do not suppose the gentleman has much of it in Rochester.

Mr. JACOBSTEIN. We have a great many farmers there. I want to say to the gentleman that we have 15,000 farmers in my district and we have no demand for agricultural help.

Mr. ABERNETHY. But the gentleman is not in favor of restricted immigration?

Mr. JACOBSTEIN. I am in favor of restricted immigration.

Mr. CELLER. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. CELLER. The gentleman just said he wanted this matter postponed?

Mr. ABERNETHY. I do.

Mr. CELLER. Would the gentleman say he was in favor of continuing the suffering that results from a division of families and is in favor of postponing action which would result in relieving that condition?

Mr. ABERNETHY. Why did not the gentleman's committee meet the issue squarely on the Wadsworth amendment?

Mr. CELLER. I quite agree with the gentleman about that.

Mr. ABERNETHY. They are taking the Wadsworth amendment to the detriment of the skilled farmers and permitting more undesirable immigration into this country, by this bill.

Mr. CELLER. I agree with the gentleman that we should have followed the Wadsworth amendment.

Mr. ABERNETHY. I am not saying whether I am for the Wadsworth amendment or not, but that is exactly what they are doing. They will bring the most undesirable immigrants here under this provision, simply to relieve themselves of the pressure that is being brought.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. DICKSTEIN. Does the gentleman think that the wife and child of a man who came to the United States and now resides here are undesirable?

Mr. ABERNETHY. It depends.

Mr. DICKSTEIN. And does the gentleman also think that the child of a citizen between the ages of 18 and 21 is undesirable?

Mr. ABERNETHY. I do not know; it all depends. There is no way here of telling what sort of a child shall come to this country. They are just going to permit a whole group of folks to come here, whether they are desirable or not.

Mr. DICKSTEIN. Will the gentleman tell this House how many farmers came to his State of North Carolina from Russia or Poland who will be affected by this proposition?

Mr. ABERNETHY. We do not desire any from Russia, nor do we desire any from Poland.

Mr. DICKSTEIN. Well, that is exactly what this bill does.

Mr. ABERNETHY. No; it cuts out the most desirable farmers who can come to our section; it cuts out the quota from Holland; Holland is cut out of this quota. Of course, it is the responsibility of this House. I have done all I can do. I know the temper of the House, and I do not expect to make much of an impression, but I feel I have performed my duty here to a very distinguished Senator who has not been very well, and a man who has given great study and great thought to this matter. He was one of the most ardent men for restricted immigration; I voted for it; and I am still for restricted immigration.

Mr. O'CONNELL of Rhode Island. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. O'CONNELL of Rhode Island. It has been intimated very strongly in some quarters that there is great distress among the farming population of this country at the present time; does the gentleman think it would be advisable to increase the distress of the farming population by bringing more farmers into this country to share this distress?

Mr. ABERNETHY. It is not a question of bringing in farmers; it is a question of letting this matter rest until the next session of Congress, when the real friends of immigration can get together and not be forced by pressure to engraft upon the immigration law of the country the Wadsworth amendment, because that is what this does. It takes the Wadsworth amendment and substitutes it in the permanent law for the Simmons amendment.

Mr. SCHAFER. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SCHAFER. The gentleman has been speaking so much about a distinguished Senator from his State and about an agreement—does the gentleman think the lower House of Congress should legislate on agreements entered into with any Senator, no matter who he may be?

Mr. ABERNETHY. The gentleman misunderstood me.

Mr. SCHAFER. That is all the gentleman has been talking about.

Mr. ABERNETHY. I have been giving the reason I am making this fight here.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. DICKSTEIN. Does this bill increase the quota limitations of the act of 1924?

Mr. ABERNETHY. No.

Mr. DICKSTEIN. Certainly not; everything is within the quota limits.

Mr. ABERNETHY. It does not increase them; no.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. LAGUARDIA. With respect to these very desirable people the gentleman has been talking about who came to his State, have they brought their families with them?

Mr. ABERNETHY. I do not know about that.

Mr. LAGUARDIA. Assuming they have not, they certainly would want to send for their families.

Mr. ABERNETHY. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker and gentlemen, I want to assure the restrictionists here that there is nothing in this bill that they should be alarmed about. If anything, the bill should be designated as a further restriction of immigration, and I will explain to you why.

I concede that it admits the children of American citizens up to 20 years of age to come in within the quota. The present law prohibits the children of American citizens to come in if they reach the age of 18. This bill also permits some of our American ladies who have gone abroad to pick their husbands to bring them over here outside the quota.

Mr. LAGUARDIA. Even though they may not be desirable. [Laughter.]

Mr. SABATH. Yes. These are the two relief provisions in the bill. The gentleman from North Carolina [Mr. ABERNETHY] who has preceded me has some reason to object, because within the last few years—and I want you gentlemen to know this—they did have a very satisfactory and beneficial experience with immigrants. They secured about 200 or 300 immigrants, who have produced on an acre of land never before cultivated from $300 up to $1,000 worth of products, flowers, bulbs, and other things. They realize that the natives can not and will not cultivate the lands to such advantage, and they feel that if they could get more such agriculturists they in North Carolina would be greatly benefited. I concede this; but the restrictionists were afraid if they permitted some of these farmers to come in, their children and their wives would come later on as well, and therefore they feel that we should put into this bill a provision so that the preferential status should be given wives and children of declarants instead of to the agriculturists, and thereby reduce the number of new immigrants under the quota and permit the quota to be used up with relatives so as to reduce the number that may come outside of the quota in the future. Personally, as I have said, you who are restrictionists ought to vote for this bill because it is, indeed, an additional restriction; but I, who believe in fair and humane legislation, am for the bill because it does in a small measure reunite the families, namely, the children of American citizens.

Mr. LAGUARDIA. Some of the families.

Mr. SABATH. Only a few of them. I state to the gentleman from North Carolina there is nothing of the Wadsworth amendment in this bill. We should have adopted a law that would reunite the families and that would permit the wives and children of declarants to come in outside of the quota and relieve the unfortunate position of about 30,000 wives and children who have been and are separated by an unfair and unjust law and who can not join their fathers, who are desirous and capable of providing for and taking care of them.

Mr. PERLMAN. Will the gentleman yield?

Mr. SABATH. Yes; I yield.

Mr. PERLMAN. As the gentleman recalls, I introduced in the House a bill similar to the Wadsworth amendment, but the gentleman, I think, realizes that this resolution coming up under suspension of the rules, an amendment similar to the Wadsworth amendment can not be offered for consideration now.

Mr. SABATH. Yes; I understand that, and the House understands it, and that is the reason the resolution is brought up under suspension and at this late hour, so that we are precluded from offering any amendment under the rules.

Mr. Speaker and gentlemen, notwithstanding a majority of you are for restriction, I still have confidence that you believe in fair treatment to women and children, and if given the opportunity you would vote for a bill that would permit the reuniting of these families. I believe the country would be better off if they were permitted to come in now and have the protection of their father and the benefit of our education rather than to wait four or five years. I believe such legislation would be in the right direction and would be beneficial; but, unfortunately, we are placed in a position where nothing can be done, and for that reason I will support this bill, because I am deprived of the chance and opportunity to vote for a relief measure that all the civic organizations, including the great organization of the Federal Council of Churches of Christ in America, the Federation of Labor, the American Legion, and the strong plea on the part of Mr. Curran, who is an outstanding restrictionist and who was the former immigration commissioner, that the discriminatory 1924 immigration act be amended so as to enable the wives and children of declarants who came to the United States before the 1924 act went into effect expected that legislation to that end will be enacted, but instead we are about to enact this bill.

Even this little concession on the part of the chairman has been brought in the very last days of the session with a very slim chance of it passing the Senate.

What excuse you will be able to give people on your return to your homes for failure to enact this relief legislation, I do not know. The truth is, you have no excuse and truthfully can not offer any. You can not escape condemnation for failure to act by the excuse that certain gentlemen on the Democratic side were opposed to granting the relief. You are aware of the fact that I know the underlying reasons why this relief legislation has not been reported by the committee and acted upon, and it is to be regretted and I know it will come to plague you in the future that you are permitting a secret organization to dictate what legislation can and can not be enacted. Many of you are aware of the fact that the majority at all times can adopt any legislation that it desires and that the minority at no time can dictate the policies or defeat legislation that the majority desires. As you know, this has been often restated by various Speakers of the House and every parliamentarian. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Speaker and gentlemen of the House, you know that I can not in this brief time explain this bill; but I can say that it is consistent with the most rigid ideas of the most ardent restrictionists. It permits husbands of citizen wives to join them and admits unmarried minor children up to 21 years of age as nonquota, both of which provisions were carried in the act of 1924, as reported by the House committee and passed by the House. It permits American-born women, who under a former law married and moved abroad and lost their citizenship, to return to America. It does humanize and liberalize some provisions of the law in a manner consistent with the country's restrictive policy. The major part of it provides for taking the greater portion of the quota now used by what are called skilled farmers—we do not need any more farmers, as we have a surplus of farm produce now—and allowing the relatives within a certain degree, stated in the bill, to come within the quota. So that by that provision the number of immigrants will be in no manner increased, but the number of families separating themselves under the present law will be lessened, while more wives and minor children can come to join husbands and fathers without increasing our immigration. These provisions in this bill are not inconsistent with the provisions of our restrictive policy. It is constructive, tending to a settlement of the most vexing problem in our immigration situation, by lessening the number of families separating themselves and permitting the families already, by their own action, separated, to get together. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired; all time has expired. The question is on the motion of the gentleman from Washington to suspend the rules and pass the bill.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EXTENSION OF REMARKS—NATIONAL ORIGIN

Mr. DICKSTEIN. Mr. Speaker and Members of the House, the proposition before us is whether or not we shall extend the operation of the national-origin scheme incorporated in section 11, which reads as follows:

SEC. 11. (b) The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

It is worth the time to call the attention of the membership of the House how this so-called national origin crept into the immigration laws of 1924 and the history surrounding it, as it is very apparent that it was done without any scientific study and

without thought or consideration. When the act of 1924 was passed in the House and went before the Senate for consideration, Senator REED was not alone satisfied with the discriminatory features contained in the new act, particularly the discrimination against southern and eastern Europe, which cut the quotas from 350,000 to 161,000, but he saw fit to present a further amendment with which he was not familiar and which was commonly known as the national-origin scheme which would further restrict immigration to a maximum of 150,000 on and after July 1, 1927. Out of this last sum Great Britain would get a total of almost 85,000.

The bill went to conference and Senator REED used every possible means to keep the national-origin provisions before the conferees, who were more or less forced to accept it, otherwise we would have no restricted measure as provided for in the act then passed in the House.

We can trace this national origin through one John B. Trevor, who describes himself as representing nobody but himself, having independent means, and who concocted this scheme by which we can further restrict immigration and further discriminate against certain classes and races, all to the benefit, in my opinion, of Great Britain.

I have had the pleasure of listening to the statements of Captain Trevor, who appeared before the Committee on Immigration, of which I am a member, where he gave certain testimony regarding his plan and schemes pertaining to national origin which Senator REED saw fit to accept and adopt, being a further means of restricting immigration into this country and cutting down the quota to 150,000 and freezing out everyone else but Great Britain.

We find in Hearing No. 69.2.1, on page 27 of the printed hearings, a statement by Captain Trevor, as follows:

Senator REED introduced a national-origin amendment entirely without my knowledge and without any communication with me whatsoever on March 6, and on March 6, 1924, he knew nothing of my suggestion until the following afternoon, when Senator Lodge handed him a copy of my preliminary survey about 4 o'clock, or half past 4 of that afternoon.

Apparently Captain Trevor must have discussed his idea and thought about the national origin with other persons in the Senate. This scheme of his was welcomed by those who believed in both restriction and discrimination, and they have forced this scheme upon the managers of the House, who finally adopted it as a permanent policy of Congress amending the act of 1924.

Up to the present time, apparently, we could not determine the national origin, nor could anybody understand the scheme, nor could we trace the origin of the peoples as is expressed in the law without humiliation and condemnation against certain races. As to this point, I call your attention to the testimony given before the Immigration Committee by Joseph A. Hill, assistant to the Director of the Bureau of the Census, which is contained in the hearing of January 18, 19, and 26, 1927, Hearing No. 69.2.1. Chairman JOHNSON invited Mr. Hill to come before the committee and give the committee some idea as to whether it was possible to determine the national origin and the workability thereof, because the recommendation which was made to the President was based upon figures that could not determine the national origin. After Mr. Hill gave certain testimony, which was based upon no concrete fundamentals, I asked Mr. Hill the following questions:

Mr. DICKSTEIN. Is it not a fact that all you said is hearsay, because our statistics only go back a hundred years, and we have no statistics of origin for the 300 years of our existence?

Mr. HILL. We have very meager statistics prior to 1790, no census statistics, only scattered statistics here and there.

Mr. DICKSTEIN. The best we can do is about a hundred years.

Mr. HILL. We have a great deal of material about the settlement of this country, records about specific regions settled, showing that people came from such a county or such a locality in England or Holland to settle in such a county in New Hampshire or Massachusetts or New York. There is a lot of material of that kind.

I can go on and quote other portions of inconsistencies by both Mr. Trevor and Mr. Hill, as well as others, but I do not wish to burden this House too much, and will only ask you to read the hearings before the Committee on Immigration and satisfy yourselves of the accuracy of my statements.

What changed the mind of the Senate, particularly Senator REED, who fought so much for the national origin, to ask for an extension of one year? The answer to that is that although the Senator from Pennsylvania thought he had a gold brick in the national-origin scheme, found that it was a lemon. He discovered that he fooled himself. He found out, after the figures were given to the President, that instead of restricting immigration as against Russia, Italy, and other parts of southern Europe it would, on the contrary, benefit them. In other words, as a concrete example, Russia, whose quota is less than 2,000 under the act of 1924, would receive under the national-origin scheme 4,000 or more. The same principle would apply to the other countries which were discriminated against under the act of 1924, and instead of hurting them they would benefit thereby. Our leaders and statesmen then found out the truth of these facts and are now seeking to extend it because, they claim, they desire to study the problem further and can not determine upon it so soon.

The Committee on Immigration in the House voted to repeal. The Senate voted to extend; and in order that we may not embarrass some of our statesmen and the administration, the House committee changed their vote by voting an extension—the same as the Senate—for one year. This national-origin scheme should be repealed and eradicated from the laws of this land, as it has no place amongst civilized people. It is a physical impossibility to determine races. It brings about hatred and contempt and breeds dissatisfaction against the lawmaking body to define what races are pure and what races are impure. To come down to the real proposition, we can not determine the exact races of a country of which we have no statistics. As a matter of fact, as the testimony shows before the Committee on Immigration, our statistics go back only a hundred years.

I have been opposed to the national origin and served notice on this House way back on May 9, 1924, when I had occasion to address this House during the discussion of the proposed act of 1924, which is now a law; and not alone did I point out at that time that Congress was about to discriminate against southern and eastern Europe, but that by accepting the national-origin scheme and permitting it to remain on the statute books it would further discriminate against other races. What happened? We now find that Ireland, whose quota would be 28,000, would have her quota cut down to less than 8,000. We find that the German quota was cut to almost half; that the Scandinavian quota was cut; and we find that many other friendly nations, whose quota was cut, would all be to the benefit of Great Britain.

Although the national origin will benefit some of the quotas of the countries discriminated against under the act of 1924, nevertheless I am prepared to expose this scheme as un-American.

Speaking again of national origins, we have no census of our population prior to the year 1820. Before that time the only way we could determine the native stock of our population was based upon the names returned in the original census, where we could distinguish English, Scotch, Irish, Dutch, French, and German names; and the only way we could determine a person's nationality was by a reference to his name. Everybody will admit this is a very unsatisfactory method and fraught with great difficulties.

I will not only vote to extend this act, but will vote to repeal it and shall do so at the next session of Congress.

EXTENSION OF REMARKS—IMMIGRATION

Mr. HILL of Maryland. Mr. Speaker, Senate Joint Resolution 82, which we have just passed, is as follows:

Joint resolution to amend subdivision A of section 4 of the immigration act of 1924

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision A of section 4 of the immigration act of 1924 be amended so as to read as follows:

"(a) An immigrant who is the unmarried child under 18 years of age, or the wife, or the husband, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9."

I was very much interested to see this resolution go through the House with very little discussion and no real opposition. One of the first things I did in the Sixty-seventh Congress was to introduce a resolution providing for the admission into the United States, without regard to quota, of the sons and daughters, husbands and wives, and fathers and mothers of American citizens. The Immigration Committee very kindly gave me a hearing on my bill, but at that time there seemed to be no possibility that such a change in the immigration laws would be made. The present bill does not take in all children of American citizens and it does not take in the fathers and mothers of American citizens. It is, however, a step in the right direction. No one believes more strongly than I do in admitting into the United States only the proper type of persons who will strengthen the citizenship of this country, but I have always contended that the children of American citizens were entitled to admission. I am glad to see this resolution become law.

In reference to the pending measure, I desire to say a word in reference to the longshoremen's bill. I received on February

18 the following communication from the International Longshoremen's Association:

[Western Union telegram]

BALTIMORE, MD., *February 18, 1927.*

Hon. JOHN PHILIP HILL,
House Office Building, Washington, D. C.

House Rules Committee granted a rule to Judiciary Committee on S. 3170. Five thousand longshoremen and labor movement of Maryland most earnestly beg and urge that you assist in the passage of this needed legislation. We are in full accord with the report of the committee and its amendments except the amendment to limit the total disability and death benefit to $7,500 and will appreciate you casting your vote in opposition to this and insist upon the total disability and death benefit remaining in the bill as passed by the Senate and as reported by your Judiciary Committee upon two occasions.

ALEX. BAGENSKI,
President International Longshoremen's Association, Local 829.

I also received the following telegram from the president of the Baltimore Federation of Labor, Mr. Broening:

[Western Union telegram]

BALTIMORE, MD., *February 18, 1927.*

Hon. JOHN PHILIP HILL,
House Office Building, Washington, D. C.

I am directed to exhort you for humanity's sake to support Senate bill 3170 and to vote against any amendments to limit disability or death benefits.

HENRY F. BROENING,
Baltimore Federation of Labor.

I have always taken a deep interest in this legislation, and it is needless to say that I assisted in its passage in all possible ways.

COTTONSEED

Mr. PARKER. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 439.

The Clerk read the resolution, as follows:

[H. Res. 439, 69th Cong., 2d sess.]

Whereas the price paid the producers of cottonseed has been practically the same and uniform throughout the cotton-producing sections of the country during the harvesting period for several years; and

Whereas it appears that those industries engaged in purchasing and processing cottonseed are in agreement or combination on the prices to be paid the producers in restraint of trade: Therefore be it

Resolved, (1) That the Federal Trade Commission be, and it is hereby, directed to investigate the action of those industries engaged in purchasing cottonseed for the purpose of crushing cottonseed, and those industries engaged in refining, and otherwise processing and marketing cottonseed, to ascertain if there be a combination, agreement, or association to fix prices of cottonseed or to violate any of the antitrust laws.

(2) The Federal Trade Commission shall make such investigation as is hereby directed with reasonable dispatch and report the result of their findings to the House of Representatives as soon as possible.

(3) Should it be determined that any persons, firms, corporations, or associations engaged in purchasing and processing cottonseed maintain a monopoly in violation of law or use unfair methods of competition in commerce, the Federal Trade Commission shall forthwith by appropriate action proceed for the punishment of such practices or violations of law in accordance with acts of Congress provided in such cases.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PARKER, a motion to reconsider the vote was laid on the table.

ASSISTANTS TO THE SECRETARY OF LABOR

Mr. JOHNSON of Washington. Mr. Speaker, I move to suspend the rules and pass S. 3662, creating the offices of assistants to the Secretary of Labor.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter there shall be in the Department of Labor not more than two assistants to the Secretary, who shall be appointed by the President and shall perform such duties as may be prescribed by the Secretary of Labor or required by law.

The SPEAKER. Is a second demanded?

Mr. BOX. I demand a second.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. GARNER of Texas. Mr. Speaker, this is a bill creating some new offices, and I think the House ought to know something about it.

Mr. JOHNSON of Washington. I am anxious that the House shall know all about this bill. This is a Senate bill which was passed by the Senate on March 23, 1926. It provides that hereafter there shall be in the Department of Labor not more than two assistants to the secretary, who shall be appointed by the President and shall perform such duties as may be prescribed by the Secretary of Labor or required by law. The necessity for the bill is that by acts of Congress we have placed more physical duties on the Secretary and the two Assistant Secretaries of Labor than can be properly performed by them. The idea of this bill is to create not additional Assistant Secretaries of Labor, with all of the machinery, clerks, stenographers, messengers, and door men that that would involve, but to create two assistants to the Secretary, who shall be appointed by the President and perform such duties as may be prescribed by the Secretary of Labor. Such positions now exist in the Department of Commerce and in some other departments.

Mr. GARNER of Texas. I can not understand why this necessity comes only now to the attention of Congress in the last hours of the session. Only 20 minutes of debate on a side are allowed. It seems to me that we could have had this thing up in December.

Mr. JOHNSON of Washington. I am only too glad to explain why. The bill has been on the calendar more than a year.

Mr. CAREW. Is it not a fact that this was up at the close of the last session of Congress and was all thrashed out at that time?

Mr. JOHNSON of Washington. It was up, but went off of the Consent Calendar by objection. It is one of the misfortunes of a nonprivileged committee that the chairman can not rise under privilege and ask for the passage of a bill, but has to take his turn waiting for a Calendar Wednesday. This committee has not had a Calendar Wednesday call for four years.

Mr. GARNER of Texas. But there is a steering committee in the gentleman's party.

Mr. JOHNSON of Washington. Yes.

Mr. GARNER of Texas. And there is a rules committee.

Mr. JOHNSON of Washington. Yes.

Mr. GARNER of Texas. If this were a pressing matter, it seems to me that the steering committee and the rules committee would have taken cognizance of it and given the gentleman a rule for its consideration.

Mr. JOHNSON of Washington. This is pressing; but who would want to go through all of the form of securing the rule and debating it and voting on it and then discussing the bill in order to get through so simple a thing as a bill to provide that two men now employed in the department may perform some of the work now designated to be performed by the Secretary of Labor.

Mr. GARNER of Texas. The gentleman says that the bill is not of sufficient importance for the Rules Committee to grant a rule. I agree with the gentleman.

Mr. CAREW. Oh, the gentleman thinks that there is so much sentiment in favor of this bill that he is willing to take his chances of getting a two-thirds vote on it.

Mr. CRAMTON. Mr. Speaker, I understand the gentleman's statement to be that this does not create two new positions.

Mr. JOHNSON of Washington. It does not.

Mr. CRAMTON. But would simply add new duties to men who now hold office there?

Mr. JOHNSON of Washington. Yes. I hope that all gentlemen will understand that it does not create new positions, and I do not think it adds new salaries.

Mr. CRAMTON. It does not add new salaries?

Mr. JOHNSON of Washington. I do not think so.

Mr. TILSON. Is it not a fact that this is to relieve the Secretary of Labor from a lot of work that might be equally well done by these two men who are already in the employ of the Department of Labor but who now have not the authority to do this work?

Mr. JOHNSON of Washington. That is it exactly.

Mr. DICKSTEIN. Is it not a fact that it just changes their title to give them some powers by which the signature of the head of a department may be signed?

Mr. JOHNSON of Washington. That is true. I doubt if the bill will cost the Government an additional $1,800 a year, and it will add five times that or more in efficiency. Every Member who has occasion to go down and see the Secretary of Labor—and nearly all of us go often—knows that he goes to the department with the least number of heads to it of any department, where they have a great amount of detail, always dealing with human beings. If any Member of the House goes down to see the Secretary, or to see either Assistant Secretary, that officer will give time by the hour, although it be only a plea for the relief of some poor Armenian woman; and then

those Assistant Secretaries stay there until midnight catching up with the machinery that Congress has put upon them. We have built up a great board of patrol. It is in its infancy. It is getting on magnificently. There must be a head somewhere. One of the two Secretaries now acts, in addition to his other many duties. The first thing you know, without an act of this kind, you will find a bill for some major chief of the board of patrol, to be stationed here in Washington with a salary of $10,000 a year. My belief, with all due respect to those who oppose, is that we will save money and increase efficiency in a department with the smallest number of heads and bureaus, undermanned and underpaid, with some of the greatest work in the United States to do, if you pass this bill. Please observe that the places are not assistant secretaries, but assistants to the Secretary. There is a great difference. The salary of one is $7,500; the salary of the other is $4,500 or $4,800, with limited opportunity for promotion to possibly $5,000. I reserve the remainder of my time.

Mr. BOX. Mr. Speaker, if the gentleman will amend this bill and make it provide just what the gentleman from Washington says he thinks it provides, I shall not oppose it. The purpose of the bill is to create two new $7,500 jobs for men already holding positions in that department. It is a piece of jobbery, pure and simple.

Mr. BEGG. Mr. Speaker, I think this House is entitled to know now which gentleman is making an accurate statement. The gentleman from Texas makes the positive statement that this is creating two $7,500 jobs, and the gentleman from Washington makes the statement that the maximum additional cost will not exceed $1,800.

Mr. JOHNSON of Washington. If it is in order and we can provide an amendment to the Senate bill at this late hour limiting these positions, I shall be only too glad to accept the amendment. I have the statement from the Secretary of Labor himself that these are not $7,500 positions.

Mr. BOX. Mr. Speaker, "the gentleman from Texas" acts on information from many sources to the effect that certain gentlemen have some very beloved friends for whom they want to get better salaries. "The gentleman from Texas" has the information that the Committee on Appropriations a year ago was called upon to estimate or appropriate for two salaries at $7,500 a year each.

Mr. BLACK of Texas. Mr. Speaker, will my colleague yield?

Mr. BOX. Yes.

Mr. BLACK of Texas. Under the reclassification act these assistants of Cabinet officers are classified at the salary rate which the gentleman mentioned. For instance, in the Post Office Department all four of the Assistant Postmasters General get $7,500.

Mr. BOX. "The gentleman from Texas" of course does not know what Congress will do hereafter as to the arrangement of these schedules of salaries, but "the gentleman from Texas" and his associates have prevented the passage of this bill heretofore for two or three years by means of objections.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. TILSON. Is it not a fact that the only difference that this bill will make in the matter of expense will be the raising of the salaries of these two men who become special assistants to the Secretary to a higher grade? It will simply lift their classification from one grade to another.

Mr. BOX. It will lift them from a clerkship to the position of assistant to the Secretary.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. CRAMTON. The gentleman understands that the men who will be given these positions as assistants are now in the department?

Mr. BOX. Yes.

Mr. CRAMTON. Are they gentlemen who are now occupying very similar positions at slightly different salaries?

Mr. BOX. I do not know exactly what their duties are now, but I understand they are both clerks drawing moderate salaries.

Mr. CRAMTON. Can the gentleman state the amount of the salaries?

Mr. BOX. I do not know what the salary is now, but if I were going to guess I would put them in as about $2,500 a year, unless they have been recently much increased.

Mr. CRAMTON. They are not at present holding positions as assistant secretaries?

Mr. BOX. No.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. SNELL. Is there not a difference between an assistant to a secretary and an assistant secretary?

Mr. BOX. Oh, yes. There is a difference in the name.

Mr. SNELL. The gentleman from Texas [Mr. BLACK] sa'd that the salary of an assistant secretary was $7,500.

Mr. BOX. "The gentleman from Texas" feels confident that this is an attempt to create jobs at much higher salaries for certain officials. I think anybody who is familiar with this matter, and who wants to take the House into his confidence, could tell us perhaps who are to get these places.

Mr. SNELL. Will the gentleman take us into his confidence?

Mr. JOHNSON of Washington. I understand that one of these places, as assistant to the Secretary of Labor, is the gentleman who is at the head of the Board of Review. He may have had the title or rank of inspector, and he is a good man. He is now trying to perform some of the labor that the law lays upon the actual Secretary and his actual assistants, but it takes an act of Congress to give him some authority.

Mr. BEGG. I understand his salary is now between $4,500 and $5,000.

Mr. JOHNSON of Washington. I understand the gentleman——

Mr. BOX. I hope the gentleman will not take up all my time. Under a former administration and up to recently, when we were getting from 1,000,000 to 1,200,000 or 1,300,000 immigrants, they had one Secretary of Labor and one Assistant Secretary. In 1920 they were given another Assistant Secretary.

Mr. BEGG. The law has been made since then much more technical than it was at that time.

Mr. BOX. Visaing is now done by agents in Europe who are in the pay of the State Department. In my judgment there is really much less work to be done in the Department of Labor here under our present system than under the former system. Most of the immigrants are now examined in Europe. The gentleman from Texas has no spite toward anybody in the Department of Labor. The gentleman from Texas thoroughly believes that personal favor and job creating are behind this proposed legislation, and having stated candidly to the House what he believes about it, he thinks he will have performed his duty and places the responsibility where it belongs.

Mr. BYRNS. Mr. Speaker, will the gentleman yield?

Mr. BOX. I will.

Mr. BYRNS. I understood the gentleman from Washington [Mr. JOHNSON] to make the statement and I also understood the report on this bill states that it will authorize the Secretary of Labor to lose two members of his force. Does not this bill on its face provide for two new positions to be filled by the President? And even if he were to select members of his present force, of course those two places thus made vacant would be filled, and these two positions where the salaries are not named would be positions where the salaries for men of that grade are fixed by the classification act.

Mr. BOX. I have no doubt but that they will, if this act is passed, create two more $7,500 salaries. I do not think they would go to the Committee on Appropriations and ask for additional appropriations in anticipation of them unless they believed that would be the result. Why did they ask for these appropriations for these salaries of $7,500 if they did not expect to pay them? Now, gentlemen can see whether or not the gentleman from Texas has any reason for his suspicions or his conviction in the matter.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOX. Yes.

Mr. LAGUARDIA. With the present personnel it now takes over 30 days to get the approval of a visa of a nonquota immigrant, so that would indicate they are short-handed in the department. It takes from 30 days to 45 or 50 days.

Mr. BOX. The gentleman from Texas has never seen the time when you could get immediate action in any of these departments.

I will say to you, gentlemen, that there have been no hearings before your committee showing any necessity for this. There have been one or two statements made, and there is the statement that the Secretary of Labor would like to have something like this, but not a single man has come before your committee and shown any necessity for these jobs.

I am reasonably satisfied that two favored friends are to go into these places, and that is why they are being created.

Mr. BEGG. Who are they? I think the House ought to know and is entitled to know.

Mr. BOX. One of them, as the gentleman from Texas understands, used to be a clerk in the office of the chairman of this committee, and the other is Mr. Smelzer. That is what the gentleman understands about it.

Mr. LAGUARDIA. Mr. Smelzer is a hard-working, conscientious employee.

Mr. BOX. There are many such employees, but that does not mean we should pay them $7,500 each.

Mr. LAGUARDIA. A man in the customs service doing the same kind of work that he is doing has a higher rank and gets about $10,000 a year.

Mr. BOX. If that is true, and if the gentleman is correct about that, it goes to prove what the gentleman from Texas has said is intended to be done, and the gentleman ought to go over and reconcile his differences with the chairman of the committee, who denies that that is what is proposed to be done.

Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to propound a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT of Tennessee. If the House should adjourn now, would this be the unfinished business to-morrow after the reading of the Journal?

The SPEAKER pro tempore. It would be the unfinished business to-morrow if the matter were called up.

Mr. CAREW. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAREW. Is it parliamentary for a Member of the House to say to his colleagues, "Beat it out of here and in a short time there will not be a quorum." Is that parliamentary?

The SPEAKER pro tempore. The Chair thinks that is not a parliamentary inquiry.

Mr. GARNER of Texas. I did not hear the statement made by the Speaker with reference to the parliamentary situation to-morrow. Do I understand that this would be the unfinished business to-morrow?

The SPEAKER pro tempore. If it were called up.

Mr. GARNER of Texas. But the Speaker would have the right to recognize some one else, which would displace this measure; is that correct?

The SPEAKER pro tempore. Recognition would be in the hands of the Speaker.

Mr. CRAMTON. It would depend on recognition by the Speaker.

Mr. GARNER of Texas. Then the business to-morrow will depend upon recognition by the Speaker?

The SPEAKER pro tempore. Yes. Recognition is in the hands of the Speaker.

Mr. TILSON. I trust this matter will not be put over until to-morrow, because there is important business which should be considered to-morrow. We should finish this bill to-night.

Mr. O'CONNOR of Louisiana. In view of the statement made by the gentleman from New York that there was an attempt being made to break a quorum, does not the gentleman——

Mr. TILSON. I hope the gentleman is mistaken as to that.

Mr. O'CONNOR of Louisiana. The gentleman did make that statement, and it was not challenged. That being so, does not the gentleman think he should hold a quorum here and pass this bill? The gentleman's authority in the matter has been challenged.

Mr. CAREW. We now have another parliamentarian in the chair, and I will ask another parliamentary question: Is it parliamentary for anybody to walk around here and say: "Beat it out of here, and in a short time we will not have a quorum"?

The SPEAKER. The Chair would think not. The question is on the motion of the gentleman from Washington to suspend the rules and pass the bill.

Mr. GARNER of Texas. We have some time left.

The SPEAKER. The Chair was not aware of that fact.

Mr. GARRETT of Tennessee. I should think the Chair would have answered the gentleman from New York by saying it would depend upon the size. Is the gentleman from Connecticut willing to adjourn?

Mr. TILSON. As soon as this bill is completed; yes.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of no quorum.

Mr. CAREW. Is that parliamentary? [Laughter.]

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. The Chair will count.

Mr. GARRETT of Tennessee. Mr. Speaker, I withdraw the point for a moment, if I may engage the gentleman from Connecticut in conversation. If we can have an agreement that this will be the unfinished business to-morrow, I do not object to its being the unfinished business.

Mr. TILSON. As I have stated to the gentleman, there are a number of bills that are pressing for consideration to-morrow. We should like to finish this one bill. I shall move to adjourn before any other controversial matter is taken up when the consideration of this bill is completed.

Mr. GARRETT of Tennessee. Mr. Speaker, I shall have to insist on the point of order.

Mr. CANNON. Will the gentleman withhold his point of order a moment?

Mr. GARRETT of Tennessee. I withhold it.

DEDICATION OF MEMORIAL TO THE LATE HON. CHAMP CLARK

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including the addresses delivered on the occasion of the unveiling of the monument of Speaker Clark at Bowling Green, Mo., last November.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, on March 2, 1921—just six years ago to-day—Champ Clark, for more than a quarter of a century a Member of this body, and for eight years its Speaker, closed simultaneously his lifework and his service in this Chamber.

I was reminded during the very harmonious debate in the party conference last evening that in all those six years there has never been a session of the Democratic caucus in which affectionate and grateful reference has not been made to the high quality of his leadership, and that the anniversary of his death has never passed in the House without some tribute to his memory.

Speaker Clark was a man of superlative achievements. When he graduated from Bethany College he was pronounced by the faculty to be the most finished Greek scholar ever graduated from that institution. On the same day he was elected president of Marshall College, West Virginia, the youngest college president, it was said, in America.

I wish there were time here this afternoon to speak of other events in his long and useful life just as interesting and just as striking. I wish there were time here to-day to speak of his amazing political career, in which, without resource and without support save the spontaneous sentiment of the country at large, he came closer to the Presidency of the United States than any other man who has ever aspired to that high office without attaining it. I wish there were time to speak of that golden era in the history of the American Congress when he presided as Speaker of the House.

More constructive legislation was enacted during his Speakership, legislation of farther-reaching import, legislation affecting more permanently and more profoundly the American code, legislation more beneficial in its operation upon the country and the Government and the people than that enacted during the term of any other man who has presided over the House of Representatives.

The Federal reserve act, the farm loan act, the war risk insurance act, the legislation necessary to the successful prosecution of the war, and numerous other measures equally deserving of note and enumeration.

But we are at the close of the session and time is lacking. And so I rise for another purpose. Speaker Clark occupies the unique distinction of being the only Speaker of the House whose effigy has, by act of Congress, been placed in the National Capitol. Of all that long line of eminent and able men who have presided over the House from Speaker Muhlenburg down to the present time, he alone has been accorded that signal honor.

In keeping with that distinction he is the only Missourian, living or dead, to whom the State of Missouri has erected a memorial within its own borders. The Missouri Legislature, by an appropriation of $25,000, erected a statue of the great Speaker at Bowling Green, his home, in the community he so loved and which so loved him, and which was recently dedicated. And so, Mr. Speaker, I ask unanimous consent to include in the RECORD as a part of my remarks the speeches delivered on the occasion of the unveiling of the statue of the late Hon. Champ Clark, at Bowling Green, Mo., on November 13, 1926.

PROCEEDINGS OF EXERCISES AT THE DEDICATION OF THE MEMORIAL TO HON. CHAMP CLARK, AT BOWLING GREEN, MO., ON NOVEMBER 13, 1926

Senator J. D. Hostetter, chairman of the commission, presided.

The invocation was pronounced by the Rev. Thomas Nelson.

ADDRESS OF HON. J. D. HOSTETTER, CHAIRMAN OF THE COMMISSION

Mr. HOSTETTER. Champ Clark died in Washington, D. C., on March 2, 1921, just two days before the close of the Sixty-sixth Congress, of which he was a Member.

The Fifty-second General Assembly of Missouri, convening in January, 1923, passed an act appropriating the sum of $25,000 for the purpose of erecting a monument in honor of the memory of the State's most distinguished citizen. The act provided that the monument should be erected in the Courthouse Square at Bowling Green, which had been his home for more than 40 years prior to his death.

The act also provided for the appointment by the governor of three persons to administer the law, to be known as the "Champ Clark Monument Commission," who were to serve without pay.

Gov. Arthur M. Hyde approved the bill, and it became a law in June, 1923.

On October 22, 1923, Governor Hyde selected and appointed as the three members of the commission Senator Richard F. Ralph, of St. Louis County, Hon. Carroll Wisdom, of Pike County, and myself. The appointees accepted and organized, but on account of the funds not being available during the biennial period ending with the year 1924 the appropriation lapsed, and the commission was unable to take up any serious work until the funds should be reappropriated.

The fifty-third general assembly, which convened in January, 1925, however, reappropriated the funds and the bill containing this item was approved by Gov. Sam A. Baker, who I am happy to say, is with us here to-day.

In this connection I wish to pay a just and merited tribute to these two Republican Governors of Missouri and the entire personnel, particularly the Republican members of the two general assemblies which dealt with this question, on account of the fine spirit of cooperation shown in forgetting all partisan differences and cheerfully joining in the plan to pay a most signal honor to a most distinguished and illustrious Missourian.

Governor Hyde was kind enough to recommend the reappropriation in his farewell message to the general assembly after it developed that the funds were not available during the first biennial period.

Governor Baker, Auditor Thompson, and other State officials with whom the commission came in contact in its work have uniformly shown a helpful and sympathetic interest; and Senator Ralph, a member of the commission, and John H. Haley, secretary of the commission, both being of opposite political faith to that entertained by Champ Clark, have shown as much interest and have labored as long, as earnestly, and as assiduously as Mr. Wisdom and myself to bring the work to a successful culmination.

While this spirit prevails we need not fear for the perpetuity of our free institutions and we may consider the question whether parliamentary government is or is not a failure, an academic one in so far as we are concerned, no matter what decision Mussolini or any other European dictator may pronounce.

The commission after making a preliminary investigation and securing all the information available decided to submit the proposed work to competition.

Many of the leading sculptors of America entered the contest. Champ Clark was known everywhere, and it was readily recognized that the artist who was fortunate enough to secure the commission for this work would shine in his reflected glory and that the pecuniary returns were of somewhat secondary consideration.

The contest was spirited. Many models and ideas were submitted and considered.

It was indeed a difficult matter to decide. But after mature deliberation the commission awarded the work to Mr. Frederick C. Hibbard.

With this day our labors as commissioners are practically ended.

In rendering this account of our stewardship as agents and servants of the State—"the imperial Commonwealth of Missouri," as Champ Clark was wont to say—we feel that the completed work will stand sponsor for faithfulness and fidelity on our part in the execution of the trust reposed in us. The excellence of the work will speak for itself. With us it has been a labor of love. The dream of the artist has been translated into imperishable bronze and enduring granite.

This monument, though erected by the State of Missouri, is in its influences nation-wide and world-wide. It is built to benefit all the people and tends to perpetuate the life, the character, and the achievements of one of the greatest Americans of our own generation.

This monument will stand through years and the centuries to come as a beacon light to generations yet unborn.

It will impress on them this is a land of equal opportunity.

The youth can learn from it the lesson that one may with the proper effort rise from lowly obscure environments to higher and nobler things—and like Champ Clark may leave his impress on the age in which he lives; he can learn from it that he can love the heritage of a good name.

The monument will now be unveiled by Champ Clark, the little 3-year-old grandson of Champ Clark whose memory we are honoring here to-day.

(The statue of the late Hon. Champ Clark was thereupon unveiled by Champ Clark, son of Hon. Bennett C. Clark.)

Mr. HOSTETTER. I have the honor as well as the pleasure to present Hon. Sam Baker, Governor of Missouri, who signed the appropriation for the Champ Clark commission.

ADDRESS OF HON. SAM BAKER, GOVERNOR OF MISSOURI

Mr. BAKER. You folks have gathered here to-day to do honor to the memory of him who so well and ably represented the ninth congressional district in the House of Representatives of the Congress of the United States. You have known him as a friend and neighbor; you have loved him as a man. I might say that the whole State of Missouri looks upon the memory of Champ Clark in the same way. The Nation looked upon him as a statesman. Had the people gathered at the great convention at Baltimore known him as the people of Missouri knew him, then the history of the Baltimore convention would have been entirely different from what it is to-day.

I myself did not know Mr. Clark intimately, but I have been a great admirer of him for many years, and I recall that when in college I considered it a great honor to be placed on the committee to meet Champ Clark when he came to speak to us and when he graciously invited me to sit down and talk to him I considered it the greatest moment in my life.

So, friends, it is fitting to gather here to-day and do honor to such a man. The monument which has been erected in his memory will appeal only to the future generations, because you people have a monument in your hearts as strong and enduring as the monument erected here on this lawn. Yes; it is fitting that you do honor to this great man.

As I look out on this great throng I think that oftentimes we forget to let people know what we think of them unless we hammer them. Let me tell you that public officials are men and women who want to do their duty and will, regardless of what the knocker says. We often think of public officials as men wallowing in wealth because they are public officials. Champ Clark could have made ten times more money in private pursuits than representing you people. He could have become a wealthy man, but he preferred to represent the people he loved so well, at Washington, and put this community, this congressional district, on the map, because the whole world knows that Champ Clark came from Missouri.

I am glad to be here to-day, glad to do my small part to show the appreciation of the great work Champ Clark has done, and as he has given his life to the people of this district and this State I say it is fitting to show this appreciation.

I have just returned from a great mass of people in Kansas City where the President of the United States addressed more than 150,000 people gathered to honor the memory of the soldiers who gave their lives in the Great World War. I say Champ Clark served his country just as much in peace as our boys did in times of war. There are problems of peace as great as problems of war, and men and women must be ready to solve these problems. Champ Clark gave his life for his country, he gave his life for his people and in the end I am sure Champ Clark could have said as Paul of Tarsus: "I have fought a good fight, I have finished my course, I have kept the faith. Henceforth, there is laid up for me a crown of righteousness which the Lord, the righteous judge, shall give me at that day; and not to me only, but unto all them also that love His appearing."

I am glad the State of Missouri could have some small part in honoring Champ Clark; I am glad I could do what I could in releasing the funds reappropriated by the assembly. And in conclusion I will say that this great monument and the life of Champ Clark will serve as an inspiration to the young people of to-day, whether entering public life, private life, or whatever pursuit it is, his life will be an inspiration to all and by his life he has taught us to serve the principles of right and serve our country and God. That was the doctrine of Champ Clark, the man you love so well and have honored to-day.

Mr. HOSTETTER. We have with us an old Pike Countian, the Hon. Elliott W. Major, former Governor of Missouri.

ADDRESS OF HON. ELLIOTT W. MAJOR, FORMER GOVERNOR OF MISSOURI

Mr. MAJOR. Invisible ties have drawn me here to-day. I come rich in the memories of many years. I come as one of a remnant of an old guard that fought for Champ Clark in the youth of his political career. I come battle scarred, with tattered flags, with bleeding heart and tender sympathies.

I knew Champ Clark and his good wife in the morning of their marriage and when Genevieve and Bennett slept in the cradle of infant rest. I journeyed with them upon the great human highway. I returned with his remains to this city of our homes when he was laid to rest in our quiet and unpretentious cemetery. I come again to tell you of the brilliant page he wrote in the book of life and the glad account he posted for that great day as we unveil and dedicate a statue in bronze to the illustrious dead.

It was my great pleasure when governor to, by official proclamation, nominate Champ Clark as the first citizen of the State. He was my personal friend in the struggles of young manhood. He was my friend in the political battles that brought to me the office of attorney general and the office of Governor of imperial Missouri.

For more than a quarter of a century he was a towering figure in the maelstrom of national politics and a faithful and trusted sentinel in the vigilance of the years. His achievements are among the greatest and the impress of his life upon the fortunes of the Republic

will live when other centuries shall have passed with their imperishable glories.

Here, in quiet Bowling Green where "Honey-Shuck" is known to the world, he sleeps upon a sunlit slope where the flowers bloom and the sunshine is bright; here the passersby will view his statue in bronze, the proud testimonial of a great State to a great public servant, the highest tribute the State can give and one seldom accorded by the Commonwealth. It is a priceless treasure to his memory and a testimonial to his faithful public service.

When a man has followed the fortunes of the years; when he has served his country in the third highest official position; when he has made the fight; when he has run the race; when he has kept the faith; when, weary with the years, he lies down to his final rest, what a glorious thing for the State to erect a statue where he finished the course.

The years will come and the years will go; the snows of many winters will wrap their white mantles about this bronze; the summers' suns will come and kiss them into the mists of the morning; the children of another generation will come and play about its base; the tide of human affairs laden with sorrow and happy song will sweep by, but this earthly tribute will still stand at the door of this temple of justice and proclaim to the world, it is not all of life to live nor all of death to die.

From to-day this ground will be one of the historic spots of the Republic. The feet of many great national characters have pressed this soil. Col. James O. Broadhead passed by on his way as Minister to the Republic of Switzerland; Gen. John B. Henderson came this way on his road to the Senate Chamber of the United States and where his vote saved the impeachment of President Andrew Johnson; Governor Robert A. Campbell passed by on his journey to the office of Lieutenant Governor of Missouri; Judge Thomas J. C. Fagg passed by on his way to the supreme bench of the State; Judge William H. Biggs, Judge David Pat Dyer, Judge Elijah Robinson, and a host of other eminent men passed by on their various ways to places of high public trust and honor. While they have all passed from the earth, yet their glorious achievements live after them.

Bowling Green, born in the twilight of the territorial days, has been an Appian Way over which have passed an army of her sons on their march to the American pantheon; their names are emblazoned upon the escutcheon of the State and the Nation; they have written a brilliant page in the history of the Republic; they have wrought achievements the coming years can not destroy; they have played important parts in the magnetic drama set in the scenes of two centuries; and, among them Champ Clark, the greatest, was playing the title rôle when the scene closed and the play ended.

As a citizen, father, and husband, he was without a peer. He was faithful and incorruptible. His life was chaste and his character spotless. Of all the great men who have aided in the destinies of the Republic, none will exceed that of Champ Clark, lawyer, orator, scholar, and statesman. The golden thread of his life is woven into the web and woof of the States of Kentucky and Missouri. He ever lived upon the human side and was one of the Nation's truly beloved public men.

The history of the Republic can not be written without recording his conspicuous public service as Congressman and Speaker of the National House of Representatives. The stirring, patriotic, and important international events occurring while he was Speaker can not be cast upon the historical screen without placing him in the foreground of the picture. His statue would now stand in the National Hall of Fame were it not for the fact Missouri had already furnished its full quota before he fell asleep.

No other man, save Hon. Joe Cannon, could vie with him in the number of friends and personal acquaintances in the Republic and the nations represented in the Diplomatic Service at Washington. True to his splendid manhood, he discharged his duties according to the directions of a great intellect and an unimpeachable conscience. He has not yet received his full heritage, but the next generation will give to him the full credit and honors his public services have bequeathed.

He ever stood as a messenger and herald of good fortune at the national gates of to-morrow. With him the east was ever radiant and the sunset ever of gold. Standing at the frontier of life and on its sky line of battle he was full statured. He was big because his heart and thoughts were big. Rich in years, rich in glory, rich in public service, rich in the hearts of his countrymen, and wrapped in the proud achievement of a glorious life, he fell at his post and in the line of duty.

The State, the Nation, and every country and nationality from Europe, the Orient, and the islands of the seas join in the honor we pay this day to one of the greatest among the sons of the Nation and who was our friend and neighbor. Would I could recount to you the splendid achievements of his life, but it would be to count the stars. May this statue ever point the way to the future young men of this county and State, inspiring them to give a public service commensurate with that of this illustrious and eminent son who has lifted the dome of Pike County's greatness still higher in the skies.

ADDRESS OF HON. CLARENCE CANNON, A REPRESENTATIVE IN CONGRESS FROM THE NINTH DISTRICT OF MISSOURI

Mr. CANNON. Mr. Chairman, we shall count it always a treasured privilege to have been here to-day to participate in this surpassing tribute to a great Missourian and a great American.

Wherever Missourians have foregathered in this last half decade; whenever policies of government or questions of State have been discussed; in party council or public forum, our thoughts have turned inevitably to that great figure which for more than a third of a century wrought so mightily among us; which made this congressional district the most noted district in all the Union, the most influential district in the Federal Congress.

So much has been so eloquently said of his service, his place, his power and personality, his statesmanship, his commanding greatness, and his eminent place in history as to preclude repetition or reiteration. And so I come merely to speak for those who knew and loved him best a personal word. To lay at the door of his memory a simple tribute of regard and affection.

We loved and revered him not only for the great-souled man that he was, not only for the great things he accomplished, and the great service he rendered his country, but we loved him for his greatness of character; for his mental and moral courage and constancy; for his devotion to duty and to his people of the ninth district.

More than once he could have been governor of his State. He might have been president of the great Missouri University. Twice he refused a seat in the United States Senate. And he declined, at Baltimore, when nomination and election were assured, the Vice Presidency of the United States, to remain with the people of the ninth district.

And in all the 26 years that he served them, never once did anyone—high or low, rich or poor, humble or great, Democrat or Republican—ask anything of him which he could do that he did not do it for them. He did not ask to what party they belonged. He did not ask what ticket they voted. He did not ask whether they had been for him or against him; but whole-heartedly, with all his might, he did for them what he could. It is in behalf of these, his own people, that I come to-day to lay at the foot of this magnificent memorial from a proud and grateful Commonwealth a chaplet of rue and rosemary—a fragrant flower of remembrance.

Much might be said of the great achievements of his life, which dazzled the eyes of the world. Much might be said of the crisis of his political career at Baltimore; how for 28 ballots he led the field and for 9 ballots polled a clear majority of the members of the national convention.

But I do not stress these great moments, glorious as they are. Let me, rather, speak of his true greatness.

At a time in our national life, a period in American politics when public men were habitually assailed and maligned, when the name of almost every man in public life was smeared and besmirched with the slime of moral slander, when in every campaign insidious and insinuating gossip was bandied from lip to lip—not a word, in all his public career, not one whisper was ever uttered against the family life of Champ Clark. He was a true and devoted husband and father, as he was a true and devoted friend and neighbor—the ideal citizen, without stain and without reproach. And while the State and the Nation to-day stand at attention, with eyes fixed upon the mountain peaks of his attainments, it is of these homely characteristics, these lovable virtues, that the people of the ninth district are thinking this afternoon.

But he belongs not alone to the ninth district. He belongs not alone to Missouri. He is in every sense of the word a son of the Nation.

He is enshrined forever in the temple of America's immortals. He has become a part of our national heritage. And this splendid effigy, wrought in deathless bronze, standing here through the centuries, shall be to each succeeding generation an ever-present reminder of a glorious past, an ever-impelling incentive to nobler national aspirations.

Champ Clark, friend and philosopher, statesman and patriot, a a great Missourian, and a great American.

Mr. HOSTETTER. We are fortunate in having with us the man who dreamed the dreams that resulted in this beautiful statue, Frederick C. Hibbard, the sculptor.

ADDRESS OF FREDERICK C. HIBBARD, THE SCULPTOR

Mr. HIBBARD. Senator Hostetter and friends, at least I hope I can call you friends. I want to say that it is needless for me to say that I am not an orator. I am supposed to be a sculptor. I am glad that I had an opportunity of appearing here before Senator REED came. When Senator Hostetter wrote me and asked me to come down and say a few words he continued by saying that Senator REED would be the principal speaker. I want to tell you a little story. Last summer at a dinner given in honor of Senator REED. My wife is a Republican, has always been a Republican, but after hearing Senator REED speak for an hour she turned to me an said: "For the first time in my life I feel that I could vote for a Democrat."

I would like to take this opportunity to express my appreciation to the State of Missouri, and especially the commission, for giving me the opportunity to make this statue.

Mr. HOSTETTER. I present Hon. Richard E. Ralph, a member of the commission.

ADDRESS OF HON. RICHARD E. RALPH, MEMBER OF THE COMMISSION

Mr. RALPH. I am pleased to be here to-day to participate in these unveiling ceremonies as a member of the commission to erect a monument to your famous fellow townsman, Mr. Clark.

Mr. Clark was very kind to me upon occasions when I visited Washington on business there and appealed to him for courtesies. They were extended with an open hand. And when I came here to participate in the last rites accorded him, I had occasion to visit his home. And you know, as I realized that this man who had sat in the seats of the mighty, a man who had been connected with the events in American history for so many years, and had lost none of his simplicity, that he was a commoner, a man of the people. I said to one of my associates as I viewed the simplicity of his surroundings, the reminder of his beautiful life, that it was a pleasing commentary upon American life that a man would rise to such a high place and yet remain in touch with the people of his home. It gave me renewed confidence in our institutions. In these days when we hear so much about being distracted from the laws of our fathers and on the road to ruin and that our institutions may not long exist. It gave me renewed confidence that this Nation is safe, so long as we continue to send to public places men of the stamp of Champ Clark.

My friends, it has been a labor of love for all of us on this commission. I came from another part of the State, but Champ Clark was a man who belonged not alone to one part of the State but belonged to every section of the State, and he belonged to us of St. Louis County as well as to your county. The three members of this commission came to discharge these duties not just because they were duties imposed upon them by law, but because of the affection they felt for the man, and Senator Hostetter and Carroll Wisdom labored long and earnestly for the splendid accomplishment you have viewed to-day, and I am glad to be here to-day and look upon that work which does honor to a man of Champ Clark's type. This splendid audience is one of the best evidences that the man we have met here to honor has a long and happy place in your recollection and your love.

Mr. HOSTETTER. It is unnecessary to introduce the next speaker. I present the Hon. JAMES A. REED.

ADDRESS OF HON. JAMES A. REED, A SENATOR IN CONGRESS FROM THE STATE OF MISSOURI

Mr. REED. Citizens of Missouri, contrary to my usual custom I have reduced what I have to say to writing. This I have done because of the importance of this event and because I have hoped that what is said here to-day may live a little beyond this hour and this eventide.

For a quarter of a century I enjoyed the friendship of the man we meet to-day to honor and what I have here set down is my concept of the leading characteristics of his life and I shall be glad to present them as my humble tribute to the foremost statesman of Missouri and for many years the foremost statesman of this great Republic.

Throned in wisdom, wearing the robes of honesty, worshiping at the shrine of patriotism, and sacrificing upon the altars of liberty, this man became and remained the tribune of the masses, champion of democracy in the forum of the Nation. Modest in life, simple and unostentatious, uncajoled by flattery, and unmoved by power, he pursued the path of duty, guided by the light of his brilliant intelligence and guided by the mandates of his own conscience. He preferred defeat in justice, rather than victory in dishonesty.

Amidst these peaceful scenes he lived the simple life of a country gentleman, but in the national councils his wisdom was appreciated and reverred and the flame of his eloquence lighted the fires of patriotism in the hearts of millions. A soldier upon the battle fields of liberty, his sword struck only in defense of human rights. His shield was the Constitution of the United States. His armor the justice of his cause. His weapon the spears of logic, the javelins of satire, the shaft of ridicule, and the smiles of humor. His soul abhorred despots and revolted at the demagogue. His ruling passion the rights of men. Acting ever doubtful because he was resolved in favor of common liberty. His plan conceived no chains for freedom, it designed no fetters for the mind; it planned no dungeons for conscience, and his thirst for knowledge led him to explore all nations to study the philosophy of human affairs.

He understood our Government and knew that authority feeding upon authority, gathering strength by strength, is likely at any time to overleap the barriers of the Constitution and destroy the liberties of the people. Therefore he declared that the reins of power should be firmly held in the hands of the common people. To effectuate this he resisted centralization, championed the rights of States, and insisted on the rights of local self-government. He regarded the principles of the bill of rights as the great standard of freedom and maintained that they could be maintained only by compelling public officials to frequently render account to the people. He consequently regarded the ballot as the most apparent privilege of the people and expression of their thoughts and their right of action. He was a participant in many campaigns, and it was never suggested that his elections were tarnished or his title to office besmirched.

When unspeakable perfidy snatched from his grasp the Presidency of the Nation, he remained unimpeded by disappointment. His loyalty to party and country continued steadfast as the pole star, and he stood without complaint. He continued his life's labor for honest government, for the prevalence of the Constitution, and the perpetuity of liberty. The State he loved and which returns his love does not erect this effigy alone to do him honor, but chiefly Missouri sets his statue here that in the centuries to come the people gazing on this counterpart of what was once Champ Clark may recall the rugged virtues of Champ Clark and in time gain the sacrificial devotion to home and fatherland. To all the shadowy hosts who yet may come to pay a tribute at the shrine I lay this challenge down: His hand was strong, but never struck a cruel blow; his heart was stout, but never closed to charity's appeal; his wrongs were great, but never swerved him from the path that duty marked. Through his long life he labored to preserve the rights our fathers gained. Upon the watch towers of liberty he stood, a sentinel faithful unto the end.

MESSAGE FROM THE PRESIDENT—JUVENILE COURT OF THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following message from the President, which was read and referred to the Committee on the District of Columbia:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, a communication from the judge of the juvenile court of the District of Columbia, together with a report covering the work of the juvenile court during the period from July 1, 1906, to June 30, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 2, 1927.*

CALL OF THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I renew my point of order.

The SPEAKER. It is clear there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 45]

Aldrich	Freeman	Lee, Ga.	Smithwick
Anthony	French	Lineberger	Sosnowski
Appleby	Frothingham	McClintic	Spearing
Bailey	Funk	McLaughlin, Nebr.	Sproul, Kans.
Barkley	Gallivan	Madden	Stedman
Beedy	Gambrill	Magee, Pa.	Stobbs
Bixler	Garrett, Tex.	Martin, La.	Strong, Pa.
Boies	Gasque	Mead	Strother
Brand, Ga.	Gibson	Merritt	Sullivan
Brand, Ohio	Gifford	Milligan	Swartz
Briggs	Goldsborough	Mills	Swoope
Browne	Gorman	Montague	Taylor, N. J.
Brumm	Green, Iowa	Montgomery	Taylor, Tenn.
Burdick	Greenwood	Moore, Va.	Thomas
Butler	Hadley	Morin	Tillman
Carpenter	Hall, N. Dak.	Newton, Mo.	Timberlake
Carter, Calif.	Hardy	Parks	Tincher
Clague	Houston	Peavey	Tinkham
Cleary	Hudson	Porter	Tucker
Connery	Hull, Tenn.	Pou	Tydings
Cox	Hull, William E.	Pratt	Vinson, Ga.
Dallinger	Irwin	Purnell	Voigt
Davenport	Johnson, Ill.	Quayle	Walters
Davey	Johnson, Ky.	Ragon	Weller
Davis	Kearns	Ransley	Wheeler
Doyle	Keller	Rayburn	Williams, Tex.
Driver	Kendall	Reece	Wingo
Ellis	Kiefner	Rowbottom	Wolverton
Fairchild	Kincheloe	Scott	Wood
Faust	King	Sears, Nebr.	Woodrum
Fenn	Kurtz	Seger	Woodyard
Fredericks	Lampert	Smith	Yates

The SPEAKER. Three hundred and four Members have answered present; a quorum.

Mr. TILSON. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

APPOINTMENTS

The SPEAKER. The Chair desires to announce the appointment of Mr. ZIHLMAN as a member of the National Capital Park and Planning Commission and Messrs. MACGREGOR, UNDERHILL, and GILBERT as members of the temporary Committee on Accounts.

ASSISTANTS TO THE SECRETARY OF LABOR

Mr. JOHNSON of Washington. Mr. Speaker, when the point of no quorum was made the House was under a misunderstanding with respect to the positions referred to in this bill, which can now be cured through additional information.

Mr. BOX. Mr. Speaker, I yield two minutes to the gentleman from Alabama. [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Speaker, while the gentleman from Washington [Mr. JOHNSON] was discussing the pending bill I interrupted to say to him that it was my recollection there had been submitted by the Department of Labor an estimate for these two places and that I thought the estimate amounted to $7,500 for each position. I find I was in error. I went back immediately after making the statement to refresh my recollection, and I am sure I had it confused with something else. I am unable to find that any estimate of that kind was submitted, and I desire to withdraw the statement. [Applause.]

Mr. BOX. Mr. Speaker and gentlemen of the House, two members of the Committee on Appropriations, men of the highest standing, advised the gentleman from Texas that appropriations had been asked amounting to $7,500 for each one of these places. The gentleman from Texas and others prevented the passage of this bill heretofore by objection. Members of the Rules Committee know that the Rules Committee has heretofore refused the request of the gentleman from Washington [Mr. JOHNSON] for a rule for this same or a similar bill for the very reason that it would provide two new $7,500 positions in that department. The House will recall that the gentleman from Texas stated to the gentleman from Washington when this debate started that if there were a provision inserted in the proposed legislation carrying the statement that it would not cost above $1,800 the gentleman would withdraw his opposition. I am now informed it is definitely settled that neither one of these men will be paid above $5,000; I therefore withdraw my opposition.

Mr. JOHNSON of Washington. The present compensation is $4,800, but I presume after some experience and more service they will get as high as $5,000.

Mr. BOX. With that definite statement the gentleman from Texas makes good the statement with which he began and withdraws his opposition. [Applause].

The SPEAKER. The question is on the motion of the gentleman from Washington to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled House bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 1130. An act authorizing the Secretary of War to donate to the Wayne County Council of the Veterans of Foreign Wars, of Detroit, State of Michigan, two obsolete brass cannons;

H. R. 2229. An act for the relief of John Ferrell;

H. R. 2320. An act for the relief of Delmore A. Teller;

H. R. 3069. An act for the relief of Charles O. Dunbar;

H. R. 3378. An act for the relief of Randolph Foster Williamson, deceased;

H. R. 3602. An act for the relief of Charles W. Shumate;

H. R. 3791. An act to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace";

H. R. 3858. An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes;

H. R. 5082. An act for the relief of David Barker;

H. R. 5264. An act for the relief of Ann Margaret Mann;

H. R. 6252. An act amending section 52 of the Judicial Code;

H. R. 7973. An act to provide American registry for the Norwegian sailing vessel *Derwent;*

H. R. 8852. An act for the relief of Thomas Maley;

H. R. 8894. An act for the relief of the Royal Holland Lloyd, a Netherlands corporation, of Amsterdam, the Netherlands;

H. R. 9787. An act to correct the military record of Samuel Wemmer;

H. R. 10111. An act for the relief of D. Murray Cummings;

H. R. 10465. An act granting the consent of Congress to the Mount Hope Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across Mount Hope Bay, between the towns of Bristol and Portsmouth, in Rhode Island;

H. R. 10510. An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them;

H. R. 10662. An act authorizing an appropriation for the construction of a roadway and walk leading to and around the Chalmette Monument, Chalmette, La.;

H. R. 11914. An act for the relief of the United States Fidelity & Guaranty Co.;

H. R. 12217. An act relating to the appointment of trustees and committees;

H. R. 12218. An act amending sections 1125 and 1127, chapter 31, of the District of Columbia Code;

H. R. 12532. An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes;

H. R. 12551. An act for the relief of the Fidelity & Deposit Co. of Maryland;

H. R. 12797. An act to authorize the sale of the Buckeye target range (Arizona);

H. R. 13971. An act for the relief of Ruth J. Walling;

H. R. 14567. An act authorizing the Comptroller General of the United States to allow credits to disbursing agents of the Bureau of Reclamation, Department of the Interior, in certain cases;

H. R. 14881. An act to relinquish to its equitable owners the title of the United States to the land in the claims of A. Moro and of Anthony Campbell in Jackson County, Miss.;

H. R. 14925. An act authorizing the sale of the new subtreasury building and site in San Francisco, Calif.;

H. R. 15131. An act to authorize the Secretary of the Navy to modify agreements heretofore made for the settlement of certain claims in favor of the United States;

H. R. 15602. An act to amend the last paragraph of an act entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States";

H. R. 15827. An act to amend section 2 of an act entitled "An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests";

H. R. 15906. An act to authorize the purchase of land for an addition to the United States Indian school farm near Phoenix, Ariz.;

H. R. 16183. An act granting relief to Thomas M. Livingston;

H. R. 16212. An act to authorize per capita payments to the Indians of the Cheyenne River Reservation, S. Dak.;

H. R. 16442. An act for the relief of Ira E. King;

H. R. 16507. An act to authorize an increase in the limit of cost of certain naval vessels, and for other purposes;

H. R. 16703. An act authorizing the President to appoint Capt. Reginald Rowan Belknap, United States Navy, retired, a rear admiral on the retired list of the Navy;

H. R. 16973. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes;

H. R. 17243. An act to authorize appropriations for construction at military posts, and for other purposes;

H. J. Res. 96. Joint resolution to authorize the President to pay to surgeons employed on the Alaska Railroad such sums as may be due them under agreement with the Alaskan Engineering Commission or the Alaska Railroad;

H. J. Res. 345. Joint resolution amending the act of May 13, 1924, entitled "An act providing a study regarding the equitable use of the waters of the Rio Grande," etc.;

H. J. Res. 351. Joint resolution to provide for the expenses of the participation of the United States in the work of the economic conference to be held in Geneva, Switzerland; and

H. J. Res. 330. Joint resolution to provide for the expenses of delegates of the United States to the Eighth Pan American Sanitary Conference to be held at Lima, Peru.

The SPEAKER also announced his signature to Senate bills of the following titles:

S. 2322. An act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes;

S. 4746. An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton;

S. 4863. An act authorizing the adjustment of the boundaries of the Arapaho National Forest, and for other purposes;

S. 4964. An act transferring a portion of the lands of the military reservation of the Presidio of San Francisco to the Department of the Treasury;

S. 5083. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Louisville, Ky., and to repeal certain former bridge laws;

S. 5213. An act for the relief of the Lucy Webb Hayes National Training School for Deaconesses and Missionaries;

S. 5266. An act to prohibit the sale of black bass in the District of Columbia;

S. 5402. An act to amend the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926;

S. 5435. An act to provide for the widening of C Street NE. in the District of Columbia, and for other purposes;

S. 5523. An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims;

S. 5727. An act to authorize and direct the Secretary of War to accept an act of sale and a dedication of certain property in the city of New Orleans, La., from the board of commissioners of the port of New Orleans, and for other purposes;

S. 1490. An act to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York;

S. 2164. An act granting the consent of Congress to the city of Fort Smith, Sebastian County, Ark., to construct, maintain, and operate a dam across the Poteau River;

S. 4330. An act authorizing the Secretary of War to make settlement of the claim of the Franklin Ice Cream Co.;

S. 5352. An act to provide for one additional district judge for the eastern district of Michigan; and

S. 5479. An act to authorize the Secretary of the Navy to dispose of certain parts of the frigate *Constitution*, to be used as souvenirs.

SENATE BILLS REFERRED

Under clause 2, Rule XXIV, Senate bills of the following title was taken from the Speaker's table and referred as indicated below:

S. 5533. An act to regulate the height and exterior design and construction of public and private buildings in the National Capital fronting on or located within 200 feet of a public building or public park; to the Committee on the District of Columbia.

S. 3725. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925; to the Committee on Printing.

S. 4383. An act for the relief of certain claimants for interest arising from delay in the payment of drafts and cable transfers of the American Embassy at Constantinople between December 23, 1915, and April 21, 1917; to the Committee on Claims.

S. 4998. An act to provide a water system for the Indians of the Reno-Sparks Indian Colony, Nev.; to the Committee on Indian Affairs.

S. 5200. An act to authorize a per capita payment from tribal funds to the Kiowa, Comanche, and Apache Indians, of Oklahoma; to the Committee on Indian Affairs.

HOUSE BILL WITH SENATE AMENDMENT REFERRED

Under clause 2, Rule XXIV, House bill, with Senate amendment, of the following title was taken from the Speaker's table and referred as indicated below:

H. R. 10857. An act granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing; with a Senate amendment, to the Committee on Interstate and Foreign Commerce.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also announced that the President did, on this day, approve and sign House bills of the following titles:

H. R. 15641. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1928, and for other purposes;

H. R. 15822. An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co., by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.;

H. R. 16024. An act to amend the act entitled "An act granting the consent of Congress to the Yell and Pope County Bridge district, Dardanelle and Russellville, Ark., to construct, maintain, and operate a bridge across the Arkansas River, at or near the city of Dardanelle, Yell County, Ark.," approved March 3, 1925, and to extend the time for the construction of the bridge authorized thereby;

H. R. 16104. An act to amend the act entitled "An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River," approved March 31, 1926;

H. R. 16105. An act to amend the act entitled "An act granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River," approved March 31, 1926;

H. R. 16116. An act granting the consent of Congress to the Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.;

H. R. 16165. An act granting the consent of Congress to the commissioners of the county of Cook, State of Illinois, to reconstruct the bridge across the Grand Calumet River at Burnham Avenue in said county and State;

H. R. 16649. An act to extend the time for construction of a bridge across the Susquehanna River, in Northumberland and Snyder Counties, State of Pennsylvania;

H. R. 16773. An act to amend an act entitled "An act authorizing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 16778. An act to extend the time for the construction of a bridge across the Mississippi River at Alton, Ill., and across the Missouri River near Bellefontaine, in Missouri;

H. R. 16887. An act granting the consent of Congress to George A. Hero and Allen S. Hackett, their successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 16950. An act granting the consent of Congress to the Department of Highways and Public Works of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River in Hancock County, Tenn.;

H. R. 16954. An act granting the consent of Congress to the city of Blair, in the State of Nebraska, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River between the States of Nebraska and Iowa;

H. R. 16971. An act granting the consent of Congress to the South Carolina and Georgia State highway departments, their successors and assigns, to construct, maintain, and operate a bridge across the Savannah River;

H. R. 17131. An act granting the consent of Congress to W. Gilbert Freeman, his successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.; and

H. R. 17181. An act to extend the time for constructing a bridge across the Rainy River, approximately midway between the village of Spooner, in the county of Lake of the Woods, State of Minnesota, and the village of Rainy River, Province of Ontario, Canada.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bills:

H. R. 14930. An act granting the consent of Congress to the H. A. Carpenter Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of Saint Marys, Pleasants County, W. Va., to a point opposite thereto in Washington County, Ohio;

H. R. 16282. An act granting the consent of Congress to the Nebraska-Iowa Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 16685. An act granting the consent of Congress to the Carrollton Bridge Co., its successors and assigns, to construct, operate, and maintain a bridge across the Ohio River between Carrollton, Carroll County, Ky., and a point directly across the river in Switzerland County, Ind.;

H. R. 17128. An act granting the consent of Congress to the State of Indiana, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, and permitting the State of Kentucky to act jointly with the State of Indiana in the construction, maintenance, and operation of said bridge;

H. R. 17264. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;

H. R. 15905. An act to authorize the Postmaster General to cancel a certain screen-wagon contract, and for other purposes;

H. R. 16770. An act granting the consent of Congress to the Starr County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River;

H. R. 16800. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes;

H. R. 16507. An act to authorize an increase in the limit of cost of certain naval vessels, and for other purposes;

H. R. 16973. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; and

H. J. Res. 332. Joint resolution to correct an error in Public, No. 526, Sixty-ninth Congress.

M'NARY-HAUGEN BILL

Mr. DICKINSON of Iowa. Mr. Speaker, under leave granted me to extend my remarks I submit the following:

The presidential veto has put an end to all prospects for farm relief legislation at this session of Congress. The momentum behind this legislation has been gradually growing for the past four years, and with each new economic depression more sentiment is created for the passage of this legislation. Various phases of the question are involved in both the economic and political life of the morrow, and it is my intention to discuss several of these questions in the time allotted me.

THE POLITICAL EFFECT

In both the presidential interviews and on the floor of the House the opponents of this legislation have been persistent in emphasizing its political effect. They have gone so far as to say that it is the purpose of the proponents of this legislation to pass it with the hope that its defeat will inure to the benefit of some other candidate for President. This comment has been made entirely by the opponents of the legislation, and as one of the advocates of the legislation I have never heard discussed the political prospects of any particular candidate by any group of men interested in the passage of this legislation. Their hearts are set on the passage of this legislation, with the hope that it will bring them equality of opportunity in the morrow, regardless of whose political future it either makes or breaks. Nearly all of the newspaper comment from the White House has had reference to the political effect of this veto rather than on the economic welfare of the great farming population of this country.

PRESIDENTIAL CANDIDATES

With reference to presidential candidates I only desire to make this observation: That when any one man assumes control of this country and selects his Cabinet he is bound to be influenced by the particular section of the country from which he comes and by the particular influences with which he has been surrounded during his business life. If one man is permitted to continue in office for a longer period than has heretofore been fixed by precedent—to wit, eight years—then his group of friends and the particular interests that appeal to him have a distinct advantage by reason of the influences favorable to such interests. This is the principal reason why it is being advocated everywhere that no man should be permitted to exceed the term of eight years as President of the United States. In my judgment this will become one of the primary influences in the 1928 presidential campaign.

PARTY PLEDGES

It is interesting to note that in the platform of 1924 both the Republican and Democratic platforms included a provision for farm relief, and the Republican Party pledged itself "to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industry to insure its prosperity and success." President Coolidge also said that he believed that legislation was necessary in order to supplement cooperative marketing associations and permit them to control the surplus and that it was his hope that Congress would agree upon some legislation remedial of the condition. Congress by a majority vote in both the House and the Senate agreed upon such legislation, and the President has placed his veto thereon. For this reason this involving question will be uppermost in the minds of a great majority of the people in the 1928 campaign.

SECTIONALISM

It is interesting to note the claim of sectionalism in this legislation. The only States voting solidly against this legislation are found east of a line drawn north and south through the east central part of New York. In all other sections of the United States there is shown either a unanimous vote for farm-relief legislation or a divided opinion with reference thereto.

TARIFF REVISION

The farm population is also becoming converted to the fact that the protected interests of the country can not carry along on the present high plane with the existing buying power of the farm population of the country. They read with interest the veto of the farm relief bill and at the same time and in the same week note the advance in tariff on pig iron to the maximum amount allowed under the law under the adjustable tariff provision now in existence. They recall that the greatest producer of pig iron in the United States is the United States Steel Corporation; that in the closing of the last year they declared an additional dividend of approximately $200,000,000; they see that business stabilized by an additional protective duty under the above conditions. It will therefore be the problem of the farmer to study the tariff schedules, and everywhere he sees that exorbitant prices are being charged or that excessive profits are being made, he will join hands with those who are asking for tariff revision downward on such commodities in order to secure the equality to which he believes he is entitled.

TRANSPORTATION

The farmer is also studying the transportation question and realizes that by legislative enactment we have placed the standard rate of 5¾ per cent as a basis upon which tariffs can be formulated. He knows that he is not making such rate on his investment; he believes that transportation is essential to the economic life of the country, but he can not see that it is any more essential than the food that sustains the human system, and may conclude that it is for his interest to strike out 5¾ per cent from section 14A and insert in lieu thereof 1¾ per cent because he is not making that amount on his net investment to-day.

BANKING

It is noted that while the farm bill is being vetoed that the branch banking bill is being signed. This gives the Federal reserve system a perpetual existence in the law. The whole tendency of to-day is to centralize banking authority. As banking authority is centralized the outlying community is placed under a handicap and the financing of the farmer's operations are placed in the hands of the centralized banker. In fact, the whole tendency of the time is to centralize financial power under the Federal reserve system; to centralize the transportation in a limited number of railroads; to centralize our commercial business into chain stores of every kind, and yet when the farmer desires to centralize his interest they contend that he will destroy his individuality and lose his initiative. The farmer has reached the conclusion that under the present centralized control of practically every interest with whom he competes and with whom he deals he is unable to exist economically unless he, too, is given such centralized authority.

THE PRESIDENT'S VETO

Whatever real or imaginary virtues the President may have displayed, in the opinion of the enemies of farm relief, in vetoing the surplus control bill, he did not display the virtues of straightforward candor and consistency.

After resting his veto in large measure on his unsupported and unfounded assertions that the legislation was price fixing and put the Government in business, he concluded his message by reiterating his approval of other pending measures, meaning the Curtis-Crisp bill, which received his support before it was defeated in both branches of Congress. That bill is avowedly and definitely a price-fixing measure and unquestionably puts the Government in the business of buying and selling farm products. It offers Government funds to cooperatives and special corporations of nominal capital to buy, store, and export the surplus, actually naming the formula to be used in arriving at prices at which commodities will be bought and sold, viz, cost of efficient production for buying and profit to efficient producer for selling.

Thus to defeat farm relief and serve his selfish industrial friends the President storms against the McNary-Haugen bill which does not fix prices or put the Government in business and a few pages further along in the same message indorses legislation which puts the Government in business and furnishes Government money to fix prices. Such inconsistency is possible only in one laboring under stress of strong pressure and great anger and proves that the President used price-fixing and Government-in-business in his veto message as epithets and excuses rather than arguments based on conviction.

Nowhere in his long message does the President display such dense ignorance of the spirit and understanding of farmers as when he seeks to set up a conflict between their interests as producers and consumers. Of course, the farmer is both producer and consumer of farm products. The grain farmer buys cotton products, the cotton farmer buys grain products, the dairy farmer buys from both and sells to both, and so on through the complex operations of the practice of division of labor which characterizes our modern economic system.

The President would have been ashamed to veto the bank bill on the ground that the prosperity of bankers which it fostered would have been a discrimination against merchants, manufacturers, and other business men, or that justice to national bankers would be injustice to State bankers. Yet he

assumes in his veto message that the American farmer is fool enough to believe that justice to grain farmers can be injustice to fruit farmers, that justice to western farmers can be injustice to southern or eastern farmers. Bankers in the North do not seek to prosper by tearing down the banking business in the East and South; automobile manufacturers do not try to build up their business by bringing on a depression in the iron and steel business. The whole world recognizes the interrelationship and interdependence of all legitimate business; the seller wants his customer to prosper, and the customer knows that unless the seller prospers his products will go up in price or down in quality. All the world recognizes these helpful relationships, but the President seems to think that the American farmer can be made to believe that his own prosperity depends upon denying prosperity to his neighbor farmer down the road.

NO DISCRIMINATION BETWEEN CLASSES OF FARMERS

The President complains in his veto message that the McNary-Haugen bill discriminates between classes of farmers and would benefit the producers of wheat, corn, cotton, rice, tobacco, and swine at the expense of others.

Here again, instead of examining the bill he appears to have accepted without question what prejudiced persons told him about it.

The bill offered aid to every class of farmers in the United States who wanted or needed its benefits. Let the bill itself speak on that point. Section 12 made the sum of $225,000,000 available as loans to farmers' cooperatives to manage the surplus of any agricultural product produced in the country whether named in the bill as a basic commodity or not. That is precisely the kind of aid the President approved when he let it be known in his veto message and otherwise that he indorsed the Fess-Tincher bill of last session and the Curtis-Crisp bill of this session.

This same section of the McNary-Haugen bill made $25,000,000 available to producers of any and all agricultural products, (1) for acquiring warehouses, processing plants, and other facilities; (2) for capital stock of credit corporations for extending production credit, and (3) for expense of terminal market federation of producers' cooperatives. These benefits were made available to producers of beef, cattle, sheep, dairy products, poultry products, potatoes, hay, fruit, vegetables, oats, rye, barley, and flax, which the President mentions as excluded from benefits under the bill.

All these broad benefits were extended to producers of all these commodities without discrimination. The special aid provided for producers of the five commodities named in the bill consisted only of providing the means by which these groups of farmers might themselves provide additional funds for handling their own surpluses.

Furthermore, the bill provided that the producers of all farm products should share equitably in nominating the members of the Federal farm board which should administer the law. It is inconceivable that the producers of all farm products would nominate a board which would administer the plan in ways that would favor a few at the expense of the many even if the bill gave such power, which it did not.

CONFLICT BETWEEN EAST AND WEST

The announcements and press statements that have come from the White House since the veto reveal the President's mind on farm-relief legislation. These statements, columns of them, deal with the political effects of the veto. They contain no reference to its effect upon the welfare and prosperity of farmers, but much about its effect upon his vote. The conflict between the industrial East and the agricultural West is recognized in the White House news, but it is expressed in terms of votes and convention delegates rather than in terms of the buying power of the farmer's dollar and the industrialist's dollar.

The President is reported to have increased his political hold on the East and to be confident that he can hold the Republican farmers of the West in line by telling them that diversification and more credit is what they need.

The desire of agricultural regions for this legislation is recognized, but it is evident from current public utterances coming from within and near the White House that "practical" politicians do not believe farmers will vote the way they petition Congress.

Administration spokesmen and newspapers have been more concerned with the President's political fortunes than with the farmers' economic welfare.

All of which goes to show that the veto was inspired not by a statesman's conception of principles of economics and government but by a politician's calculations of political advantage. And be it remembered that the misuse of political power is responsible for many of the unjust burdens of farmers, and that it is through the misuse of political power that selfish industrial interests are now seeking to further industrialize the Nation at the expense of agriculture.

SURPLUS CONTROL IS NOT PRICE FIXING

The President declares that the surplus control bill is a price-fixing measure, but does not quote any provision of the bill to support these statements for the very good reason that there is no such provision in the bill.

The bill aims to influence farm prices, just as the tariff law aims to influence prices of certain imports, as the farm loan law and the Federal reserve law aim to influence the price of credit. It does not aim to fix prices, and no such power is given to the Federal farm board.

If the President had read the bill with understanding, he would know that by its express terms the board is authorized to deal only with the surplus, leaving the regular supply to be handled by regular agencies of trade in a regular way. When the surplus shall have been removed from the market by storage or export the price of the regular supply will be determined in the usual way by the laws of trade in a market in which supply and demand are evenly balanced. With the interplay of these forces and the prices that will result, the board is given by the bill no authority to interfere. For illustration, when the board shall have caused to be removed from the domestic market the surplus of wheat above domestic requirements by storage or export, the buyers and sellers of wheat will determine domestic prices by usual methods of trading in a market in which there will be neither surplus nor scarcity.

The bill not only does not fix prices but it does not even try to avoid the full effect of total supply upon prices. Every unit of production will be sold at some time and will inevitably have its effect upon price. That portion of the surplus which may be stored will ultimately come on the market; that portion which is exported will be sold and will have its weight on the foreign market, and only an effective tariff can prevent the full effect of foreign prices on domestic markets. Time and place are two legitimate and movable factors of the law of supply and demand. There is nothing in natural law or ethics which requires all or any definite part of total supply of a commodity to be offered on the market at any given time or place. The whole aim and purpose of this legislation is to balance supply and demand evenly by storage or export of variable surpluses, and in this way stabilize prices on a basis of supply and demand over a period of years instead of on a basis of one year, and to add to this the advantage of the tariff on certain commodities.

JUSTIFICATION FOR SURPLUS CONTROL LEGISLATION

Justification for surplus control legislation rests upon the universally accepted rule governing the propriety of governmental action, namely—

that when the public welfare requires something to be done which can not be done by individual or group effort it may be done by or with the aid of Government.

The production and distribution of all commodities which move in general commerce, except raw products of the farm, are carried on by relatively small groups acting through corporate forms. This makes possible an effective degree of regulation of supply to demand through control of production and flow to market.

Farm products, on the other hand, are produced and sold individually by many millions of farmers, and this fact denies to agriculture that degree of control of volume and movement which characterizes the production and distribution of industrial products. That is the price we pay for the maintenance of the independent farm home.

In one of its aspects surplus control legislation is an effort to combine the social and other advantages of individual agricultural production with the efficiency of distribution and movement to market which characterizes industry with its group control of production and distribution. That is the ethical basis upon which this legislation rests, and explains what may appear to be its new and novel features. While its underlying principles are old and familiar, the detail of application must in the nature of things be new.

Farmers have tried for a generation to secure through cooperation the ends aimed at in this legislation and have failed. Their cooperatives have accomplished much good and the need for them will always exist. In fact, this proposed legislation can not be made fully effective without them.

The very nature of agriculture requires multitudes of widely scattered producers; unity of action among all of them is impossible for the simple reason that human nature is what

it is. It is the same reason which underlies the rule of majority control in all phases of popular government. Majority rule is possible only through the exercise of the power of government.

This legislation proposes nothing that could not be done by cooperative action if all producers of a commodity would unite in a cooperative. The opponents of this legislation, including President Coolidge, concede that surplus control would be right and proper if exercised by cooperatives. How can it be wrong in principle when exercised by a majority of producers with the aid of a legislative device? The surplus control bill makes it possible for a majority of producers to do what they could and would do if they could have 100 per cent of producers in their cooperatives.

In a word, this legislation aims to give to agricultural producers by a legislative device the aid necessary to overcome the handicap of individual production and sale which industry escaped through the government-created device of the corporation.

I include herewith a response to my request for an analysis of the veto message for the information of the House:

1133 INVESTMENT BUILDING,
Washington, March 1, 1927.

Hon. L. J. DICKINSON, M. C.,
Washington, D. C.

DEAR MR. DICKINSON: Complying with your request for an analysis of the message vetoing the McNary-Haugen bill, I am submitting herein such an analysis and a reply to the major objections raised by President Coolidge. This analysis has been prepared by the staff of the executive committee of 22 of the North Central States agricultural conference. You are at liberty to use it in any way you see fit.

Very truly yours,

GEORGE N. PEEK,
Chairman Executive Committee of Twenty-two.

SPEECH OF L. J. DICKINSON OF IOWA IN THE HOUSE OF REPRESENTATIVES MARCH 1, 1927

THE M'NARY-HAUGEN BILL VETO MESSAGE: AN ANALYSIS AND A REPLY, BY EXECUTIVE COMMITTEE OF 22 NORTH CENTRAL STATES AGRICULTURAL CONFERENCE, MARCH 1, 1927

The "14 points" of veto message

INTRODUCTION

I. That the measure deals with few, not all, farm commodities, and in operation would discriminate against some farmers in favor of others; would check crop diversification and promote one-crop farming.

II. That it would not benefit the farmers, because increased production and decreased consumption would follow better prices.

III. It involves both price fixing and buying and selling of farm commodities by Government.

IV. That it guarantees profits to packers, millers, and cotton spinners at the expense of farmers; would destroy all processors who failed to secure contracts with the board; and discriminates against processors by collecting an equalization fee on imported units of the raw commodity but not on imported products of that commodity.

V. That the equalization fee is impossible of exact predetermination; would not be collected on units of a commodity that do not move in commerce; its collection would prove an impossible task; and the return of any excess collected to the producer is not provided for except in the case of cotton.

VI. That it "means an enormous building up of Government bureaucracy."

VII. That the method of nominating the board is not only unconstitutional, but when taken in connection with the broad delegation of powers to the board constitutes a dangerous precedent in government.

VIII. That it might obligate the Government beyond the $250,000,000 revolving fund.

IX. That it would not aid cooperative marketing, but would remove the reasons why farmers now join cooperative associations.

X. That the provision for expression of producers' sentiment through State conventions is unworkable.

XI. That "we are already overproducing," and that the measure would result in disastrous dumping of farm products abroad, giving an advantage to our foreign farm competitors, but at the same time leading to reprisals on the part of foreign nations.

XII. That the insurance provision is "destructive of all orderly processes of trade" and is unfair to nonmembers of the cooperatives.

XIII. That it would disrupt existing channels of trade.

XIV. That many farmers have not asked for it.

The veto message of President Coolidge covering 29 printed pages with about 14,000 words can be answered best by the general statement that the objections raised are, in the main, imaginary ones that could only become actual if the administrative board should deliberately do the wrong thing at every turn. Such argument could be used to discredit any legislation that vests discretionary power in an administrative body.

The President holds the bill to be unconstitutional, but his other objections are so numerous that the question of constitutionality can be waived in considering his message. He makes it clear that he would not have approved the bill even if its validity under the Constitution were beyond question. In passing, however, it may be observed that the President is no better constitutional authority than many Members of the Senate and House who supported the measure. It is the function of the court to decide this point, although the veto prevents a test at this time.

It is difficult to understand how such an advocate of the high protective tariff as the President can employ some of the arguments that appear in the message. He says:

"The bill singles out a few products chiefly sectional and proposes to raise the prices of those regardless of the fact that thousands of others * * * would be directly penalized."

Again:

"The so-called equalization fee is not a tax for purposes of revenue in the accepted sense. It is a tax for the special benefit of particular groups. * * * Its real effect is an employment of the coercive powers of government to the end that certain special groups * * * may profit temporarily at the expense of * * * the community at large."

Again:

"The bill would impose the burden of its support to a large degree upon those who would not benefit by it."

Again:

"It runs counter to the well-considered principle that a healthy economic condition is best maintained through a free play of competition."

Surely the President recognizes that every word above quoted is fully as strong an argument against the protective tariff as against the McNary-Haugen bill.

The surprising thing about the message is that it offers no reasons against the bill that were not used by partisan and embittered opponents on the floor of Senate or House and answered to the satisfaction of a majority of both parties in each body. In fact, most of the message is substantially identical with parts of speeches against the bill made during its passage through Congress. Like the speeches it so much resembles, the message protests too much to be regarded finally as an unbiased report on an act of major importance. The objections given are so many that the reader is left wondering if, after all, the real reason for the veto was expressed.

The veto message is part of the program that is industrializing America at the expense of agriculture. Repeatedly it pictures evil effects following better prices for the Nation's cash crops. It expresses the viewpoint of laissez faire for agriculture while sanctioning protection for industry. After reading the message with its almost infinite faultfinding over details, the thought occurs that the fundamental, unexpressed objection may be that voiced by Andrew Mellon a year ago when he asked for the rejection of the surplus control bill on the ground that it would tend to raise the cost of food and raw material to industry in the United States.

The message is evidently a compilation from several sources assembled without any regular order; consequently an orderly consideration of its salient points is impossible without rearrangement and condensation of the reasons given for the veto. This is attempted in the following "14 points" of the veto message:

I

"That the measure deals with few, not all, farm commodities and in operation would discriminate against some farmers in favor of others; would check crop diversification and promote one-crop farming."

One is tempted to point out that the tariff, the immigration exclusion act, railroad labor legislation, and many other laws benefit a few, not all, classes of citizens and industries. Almost on the very day of his farm bill veto the President, under the so-called "flexible" provision of the tariff law, raised the duty on pig iron by 50 per cent—an act certainly for the special protection of one group at the expense of others in this country. It is significant that the President at this session of Congress signed the Lenroot-Taber milk bill, of extremely doubtful soundness, which would use sanitary regulations to supplement tariffs to protect New England and New York dairymen, although the result probably is to raise the cost of dairy products to consumers, including farmers, in those districts.

The President asks why beef, sheep, dairy products, poultry products, potatoes, fruit, vegetables, flax, and other important agricultural products are not included. This is a direct question and can be directly answered. Beef cattle were not included because no effort was made by producers of beef to come under the law, just as many commodities are on the free list because its producers have not sought tariff protection. As a Nation we are deficient in wool production, and the tariff therefore is of practical help to the wool man. We have no surplus of wool. The same holds true of flax, poultry products, and butter.

Wheat is an important cash crop over most of the United States. Cotton, tobacco, swine, and corn are the most important cash crops in great areas. These are normally surplus crops. Their stabilization and protection would have a steadying, helpful influence in the entire agricultural structure, particularly in substitute crops of livestock, rye, oats, and barley. If the President's advice is good, and if we should turn from production of the staple crops to get away from low prices, what will happen to the dairy producers and other farmers now relatively well off when wholesale shifts bring increased production in competition with them?

It costs money to change from one type of farming to another. The farmer who is pressed to meet his fixed charges when cash crop prices are low is more likely to plant more land in cash crop if he stays on the farm than he is to buy a herd of dairy cattle to go into competition with the dairyman. The bill does not put a premium on one-crop farming, but it seeks to reach and help certain basic crops that are in need of aid and that lend themselves to assistance through surplus control. This obviously is not the case with perishables like fruit and vegetables, which is the very good answer to the President's query as to why they were not included.

There are provisions in the bill (sec. 12) asked for by dairymen and fruit growers which offer to them the assistance they represented was adapted to their needs.

The bill offered aid to every class of farmers in the United States who wanted or needed its benefits. Let the bill itself speak on this point. The sum of $225,000,000 is made available as loans to farmers' cooperatives to manage the surplus of any agricultural product produced in the country, whether named in the bill as a basic commodity or not. This same section of the McNary-Haugen bill made $25,000,000 available to producers of any and all agricultural products (1) for acquiring warehouses, processing plants, and other facilities; (2) for capital stock of credit corporations for extending production credit; (3) for expense of terminal market federation of producers' cooperatives. These benefits were made available to producers of beef cattle, sheep, dairy products, poultry products, potatoes, hay, fruit, vegetables, oats, rye, barley, and flax, which the President mentions as excluded from benefits under the bill.

Finally on this point, if presidential approval to a farm law is withheld until one reaches him that benefits all farmers and all commodities in identical degree, then no farm bill will ever be signed. And if the President is opposed to better prices for wheat and corn and cotton unless some magical method can be devised where better prices can be secured without some one paying them, then the farmers had better become reconciled to low prices, if the President can keep them low.

II

"That it would not benefit the farmers, because increased production and decreased consumption would follow better prices."

This is, of course, an entirely hopeless view. The President says increased prices are bad for the farmer and would tend to ruin him through increased production and decreased consumption. This objection may be raised with equal justice against any increase in price to farmers, no matter what causes it, but it it strange to hear it urged in the present crisis, which is due to low prices. The same objection would lie against any farm legislation effective to aid agriculture. It would be even more valid against legislation to use Treasury funds without an equalization fee, since in such a bill the production and the responsibility of caring for crop surpluses are divided. The message somewhat uncertainly indicates that some kind of farm legislation might have presidential approval, but the President serves notice in this objection that he is opposed to any bill the effect of which would be to raise prices for the farmers.

The message errs in stating that authors of the measure "proposed originally to offset this tendency (to increase production) by means of the equalization fee," but that "in the present bill the equalization fee is to be paid by only part of the producers." The original intent, and the intent in the bill Congress passed, is to collect the fee on each unit of a commodity that moves in regular channels of commerce. The exemptions from the fee are of small interfarmer transactions and are no broader in the 1927 measure than in former bills. In each case the fee places on the industry benefited the responsibility of caring for crop surpluses, which is the only sound principle of surplus control.

The message says: "Experience shows that the high prices in any given year mean greater acreage the next year." With due deference to the President, this is not supported by the facts. For example:

The price of corn on the farm dropped 10.6 cents a bushel, or 20 per cent, from December, 1909, to December, 1910, yet the area planted to corn in 1911, the spring following, increased 7,500,000 acres. In the fall of 1913 corn on the farm averaged 69.1 cents a bushel, the highest December price of the five years 1909–1913, and an increase of 20 cents over the preceding December price; but the acreage instead of increasing fell off 2,400,000 acres. The highest corn acreage in history was reached in 1917 with 116,730,000 acres. Corn sold for the highest average farm price known to that time, $1.27 per bushel, but the next spring's acreage showed the greatest decline in the history of corn in this country—12,263,000 acres. That year (1918) the average farm price was $1.365 per bushel, the highest of all time, but again there was a spectacular drop in acreage, this time 7,297,000 acres, to a total acreage in 1919 below that of 1909, when the price of corn was only about one-third as great.

The next year (1920) the price dropped to about one-half—from $1.365 to $0.67 a bushel. The acreage again disproved Mr. Coolidge's theory by increasing over 2,000,000 acres in 1921. By 1924 the price (98.2) had more than doubled the 1921 price (42.3 cents), but the acreage in 1925 showed a decrease of 2,000,000 acres below 1921.

Similarly with wheat, during the four years 1866–1869 the wheat price dropped steadily, until in 1869 it was almost exactly one-half the price in 1866 ($1.52 7/10 per bushel in 1866; $0.76 5/10 per bushel in 1869). Yet the wheat acreage increased from 15,424,000 acres in 1866 to 18,993,000 acres in 1869. During the decade 1880–1889 the December 1 farm price of wheat averaged 83.4 cents per bushel, and the acreage during the last year of the decade (1889) was 33,580,000 acres. During the following decade, 1890–1899, the December 1 farm price of wheat averaged 65.1 cents per bushel, or 22 per cent lower. Following Mr. Coolidge's reasoning, one would expect to see the acreage of wheat fall off correspondingly, but the reverse was true. The wheat acreage during the last year of the decade (1899) was 52,589,000, an increase of 57 per cent over the acreage 10 years before. Carrying the comparison out through the following decade (1900–1909) it is interesting to note that the December 1 farm price of wheat averaged 76.7 cents per bushel, an increase of 18 per cent above the average price of the preceding decade, but the acreage, instead of showing corresponding increase, decreased to 44,262,000 in the last year of the decade (1909), a drop of 15 per cent.

It is possible to get more accurate comparisons after 1909, owing to the fact that a weighted average farm price for wheat is available commencing with that year to replace the December 1 price. During the five years 1910 to 1914 the average weighted price of wheat dropped from $1.01 in the season of 1909–10 to $0.793 in the season of 1913–14, a decline of 21.4 cents per bushel. But the acreage went the other way, and increased from 45,681,000 in 1909 to 53,541,000 acres in 1913, an increase of 8,860,000 acres.

It is true that the acreage of wheat increased during the war while prices were high, but no one has forgotten that the highest possible pressure was applied by every Government officer, from the President down to the humblest school-teacher, to increase the acreage planted to wheat.

Trends in cotton to which the President refers as an increase in the cotton acreage of 17,000,000 acres in the last five years, "under the stimulus of high prices," merit more careful study than the message accords them. The facts disclose that this addition of 17,000,000 acres to the area planted in cotton was drawn from other cash crops, notably corn, cattle, and swine. The increased cotton acreage, therefore, was due to low prices of competing crops fully as much as to high cotton prices. If cattle and corn prices had been stable and fair, and if the plan proposed in this bill had been in operation to equalize the supply of cotton to demand over a period of years, the acreage would not have shifted to cotton.

The message argues, on the one hand, that we have overproduction of agricultural staples in the United States and, on the other, that production can be curbed only by decreased prices. Congress passed the bill in the belief that the farmers, given effective machinery to stabilize and protect their markets, would consolidate its advantage and not throw it away through recklessly increased production. The bill sets up comprehensive machinery to assist in adjustment of production to the best advantage.

The board, the land-bank district conventions, the commodity advisory councils, and cooperative associations are knit together in an organization to work to bring about the adjustment of production to secure maximum advantage to the producers. If farmers ever can benefit from better prices, they can under this act.

There is evidence to justify this faith. Labor has not thrown away its wage advantages under the stimulus of good pay for short hours, with attractive rates for overtime. The Corn Belt for two years has exercised restraint upon numbers of hogs produced notwithstanding increased and fairly satisfactory prices since the close of 1924. The number of hogs on farms on January 1, 1927, was 52,536,000 compared with 52,055,000 a year before.

The assumption that increased prices of staple farm commodities mean decreased consumption is not conclusive. The price of wheat since the war has been considerably below pre-war exchange value, yet the per capita consumption of wheat has fallen off 25 per cent from the rate of 20 years ago. The falling off of pork consumption to which the message alludes is due to lack of pressure of supply rather than to high price. There has been no radical change in retail pork prices. Of course, it is impossible to raise pork prices out of line with other meats and keep them there and this fact, instead of being an argument against the bill, is one of the elements relied on to make it work, since

(a) the point at which consumers will turn to substitutes is the economic barrier to unreasonably high prices, and (b) this tendency to substitute would extend the benefits of operations in one commodity to the growers of competitive substitutes in this country.

The wheat farmer gets 15 to 18 per cent of the retail price of a loaf of bread, and therefore the price of bread does not fluctuate with the price of wheat. The cotton farmer gets but 15 to 20 per cent of the retail price of cotton cloth, and a much smaller share of the retail price of articles made from the cloth. A fair price to the farmers would not affect the retail prices enough to influence volume of consumption at all, while the increased purchasing power of farmers would be a new and stimulating influence in national prosperity.

III

"That it involves both price fixing and buying and selling of farm commodities by Government."

There are no price-fixing standards or provisions in the bill. Purchases and sales made under contract with the board would involve only the excess supplies—the surplus—leaving the remainder, the great bulk of the crop, to be bought and sold at any price, buyer and seller could agree upon. Even for the surplus that might be handled under contract with the board, the bill fixes no price, nor need the board fix any price in its contracts. Purchases under contract could be made fairly at prevailing market prices. The influence on price is not secured by purchasing at an artificially fixed figure, but by withholding, removing, and disposing of surpluses. With the surplus removed, prices would rise until checked by danger of imports, or by economic factors such as substitution of other meats in case of operation with livestock.

The aim of the bill is to regulate the movement of these staple commodities in commerce—not to fix prices. It would influence prices, to be sure, but so do the tariff and many other laws.

It is charged that the bill involves Government buying and selling of farm commodities. Under its provisions the Government board can not buy or sell a pound. It can not, as a board, own any farm commodities. Purchases and sale would be made by private agencies, on their own account, but their operations would be made possible and guided by the board to the extent necessary to secure an orderly movement of the commodity dealt with.

IV

"That it guarantees profits to packers, millers, and cotton spinners at the expense of farmers; would destroy all processors who failed to secure contracts with the board, and discriminates against processors by collecting an equalization fee on imported units of the raw commodity, but not on imported products of that commodity."

The report of the Senate committee answered the first point convincingly when it said:

"The committee feels that power to contract with processors may be necessary in order to insure, for example, that as much of the exports of wheat as possible may be sent abroad in the form of flour, thus encouraging the employment of mill capacity and mill labor in the United States and retaining the feed by-products within this country. Again, in order to maintain a stable hog market in this country, it may be necessary to enter into contracts with packers covering such export operations as result in the sale of lard abroad.

"Nothing in the bill gives any justification for the charge that the bill, because of this provision, insures that the business of a packer or a miller shall be conducted at a profit. On the contrary, the measure specifically provides (subdivision (e) of section 6) that the profits resulting from any such agreements between the board and the association, corporation, or person handling the surplus shall accrue to the stabilization fund for that commodity. The board is given the authority to enter into such contracts as are necessary to secure the handling of the surplus in the interests of the producers. There is no reason to assume that it would not negotiate terms as favorable to producers as possible."

If this provision of the McNary-Haugen bill is objectionable, it may be observed that the Curtis-Crisp bill, which the message indorses by implication, permits corporations to use Government money to make contracts which guarantee profits of packers and millers. The safeguard is that the board must approve such contracts. The same safeguard and additional ones are in the McNary-Haugen bill.

Processors that had no contracts with the board would be no more discriminated against than are those manufacturers and contractors to-day who fail, in competition, to secure contracts for Government supplies and services.

The objection that processors are discriminated against because the equalization fee is collectible on important units of a raw commodity but not on manufactured products of that commodity is valid only if domestic prices rise above prices outside of the United States by more than the amount of the tariff. Up to that point the duty on the raw material and the compensatory duty on the manufactured product would protect the manufacturer.

V

"That the equalization fee is impossible of exact predetermination; would not be collected on units of a commodity that do not move in commerce; its collection would prove an impossible task; and the return of any excess collected to the producer is not provided for except in the case of cotton."

In practice the equalization fee would be fixed at an amount which would, over a period of years, adequately cover the average costs and losses, if any, of operations. The fee would be adjusted from time to time to conform to experience and changed conditions. The bill is very carefully drawn to cover this point. If the amount collected under one equalization fee is too great, the fee would be reduced by order of the board for succeeding operations. If the amount collected is not enough, the fee would be increased.

If the fee is collected on the units of the commodity in the stream of commerce, its identity with the grower of the commodity is lost and its return to the producer impossible, notwithstanding the provision giving the board power to issue participation certificates and return any excess collected in the case of cotton. This provision for cotton was in a former draft of the bill which provided for collection of the cotton fee at the gin, and was carried over after the change in the point of collection was made. This rendered the cotton participation certificate paragraph inoperative, but at least it is harmless and not of sufficient importance to justify Executive disapproval.

It is objected that the fee would not be collected on units of a commodity that do not move in commerce. These are all important cash crops. The aim is to collect the fee on that portion which actually sells as a cash crop and to exempt the portion that is consumed at home for feed or seed, as well as the small interfarm transactions which are specifically exempt because they are not part of the stream of interstate and foreign commerce, as they would be if sold to an elevator or mill or shipped by common carrier. The fee is not a tax on production but a fee necessary to the proposed promotion of orderly movement of commodities in commerce. Therefore the exemptions are not objectionable, but are necessary and justifiable.

The message cites somebody's estimate that the fee would be collected upon 16,000,000,000 units, creating the impression that the very number of units makes collection impossible. It should be noted, however, that the fee will be imposed at the narrowest point in commercial movement of a commodity, and the persons and firms from whom it would be collected are in fact few. The board is empowered to collect the fee on "sale, transportation, or processing." Each term is carefully defined. The board would probably collect the fee in the case of cotton from the railroads transporting it, which would add its amount to their freight charge. Some cotton would be trucked or sold direct for milling or export. Fees on such cotton as had not moved by rail would be collected on the sale. There is nothing impossible about it. Similarly, there is a practical point on which the bulk of the fee would be collected on any commodity and supplemental points on which the fee could be collected on the remainder.

VI

That it "means an enormous building up of Government bureaucracy."

Actual salaried positions created by the bill are few. Adequate personnel to operate the system on behalf of the farm producers would, of course, be required; but there is no reason to suppose the force required for satisfactory operation would be "enormous," as suggested by the message. Regular trade agencies would perform all the market functions involved. The collection of the equalization fee would be narrowed down to the fewest possible points. Instead of being charitable toward the farm bill on this question, the message is uncharitable. This line of reasoning has not been invoked in opposition to the great and growing system of Government intervention on behalf of industrial and commercial groups.

VII

"That the method of nominating the board is not only unconstitutional, but when taken in connection with the broad delegation of powers to the board constitutes a dangerous precedent in government."

If the restriction on the President's power to name whom he desires on the farm board should be held invalid, that need invalidate no provision other than those for nominating the board. If the bill had been permitted to become a law, and the President, accepting the nominating committees' recommendations, appointed from the lists submitted to him, the question would not be raised at all.

Fear is expressed that the board would be free from restraints imposed by antitrust law, and because "no time limit is placed upon the contracts which the board may make." It is not fair to assume in advance that the farm board would be unpatriotic, stupid, selfish, unethical, and incompetent, yet this is what the message in effect implies, not only in its objection from the standpoint of delegated powers but at nearly every other point. Congress is in session annually; and if experience demonstrated that the board as constituted used its delegated powers unwisely it would not only be easy to change the law, it would be next to impossible to prevent changing it.

VIII

"That it might obligate the Government beyond the $250,000,000 receiving fund."

This not only evidences an unwarranted lack of confidence in the board; it contradicts the provisions of the act itself. The board, in

its operations is not empowered to make contracts obligating the revolving fund, or the Treasury, for any sum whatever. It is empowered to make advances out of the revolving fund to the stabilization fund for any commodity "in anticipation of the collection of equalization fees." If all the money in the revolving fund should be advanced to the several stabilization funds the board would have no power to advance further. The extreme illustration with cotton used in the message is not only inconsistent with the provisions of the bill; it assumes that the board would be foolish and incompetent. While the collection of the fee remained in doubt, or if restrained by injunction from its collection, the board would only enter into contracts under which risk of loss would be slight.

IX

"That it would not aid cooperative marketing, but would remove the reasons why farmers now join cooperative associations."

The fact that nearly every large scale cooperative association in the United States handling a basic commodity had a hand in drafting the measure ought to be sufficient on this point. The Senate committee report said of this objection:

"The cooperative associations representing producers of wheat, cotton, rice, corn, and swine are asking Congress to pass the committee bill—a sufficient answer to the objection that the measure would affect their interests adversely. The bill would remove the present handicap to successful operation which cooperative associations are unable to overcome—the surplus. It is the only measure proposed that makes all who contribute to the production of a surplus, not alone those in the cooperative associations, responsible for caring for the surplus in the interests of orderly marketing and a fair domestic market."

In addition to the cooperatives named as asking Congress to enact the bill, the committee might have added the burley and dark tobacco growers associations.

X

"That the provision for expression of producers' sentiment through State conventions is unworkable."

This provision, inserted as a Senate amendment, provides that State conventions shall be held for the purpose of expressing producers' sentiment in States where less than 50 per cent of the producers belong to a farm or cooperative organization. The bill elsewhere provides that the board, before operating with any commodity, must satisfy itself that the majority of the producers favor such action. The point is made in the veto message that "the bill does not say 'delegates,' it says 'producers,' the farmers themselves," therefore, it is concluded, "it is entirely unworkable."

Such an objection is almost trivial. The bill provides that the heads of the State departments of agriculture shall prescribe rules and regulations for such conventions. The President reaches the surprising conclusion that the physical presence of a majority of all the producers of a State is required in one convention by this provision—certainly an unreasonable interpretation, in the light of the power conferred on the State commissioner of agriculture to prescribe the rules and regulations for the convention in his State.

The original bill did not contain this section. It might be regarded as unnecessary, but it is not unworkable of itself.

XI

"That 'we are already overproducing,' and that the measure would result in disastrous dumping of farm products abroad, giving an advantage to our foreign farm competitors, but at the same time leading to reprisals on the part of foreign nations."

For example, the message says: "We shall send cheap cotton abroad and sell high cotton at home." Nothing could be further from the intent of the bill. Cotton is a commodity of which our exports constitute nearly two-thirds of the total international trade. There was proposed in this bill a way in which surplus cotton could be withheld so that the world cotton buyers, abroad as well as at home, would be required to buy in a market free from the pressure of more cotton than currently needed. The message is clearly uninformed and prejudiced in this point.

Much is said of the consequences of "dumping" American feeds abroad, thus subsidizing livestock competition for ourselves. Corn is the only feed crop in the bill. The authors clearly recognized that with corn the problem is rather to overcome the effect of excessive production one year and scant supplies the next than to dispose of a large exportable surplus abroad. There is no reason to believe it impossible or unwise to secure the price benefit of the small corn tariff, both through an intelligent carry-over program and export sales. Mill feed is classed with corn, notwithstanding that a policy of exporting wheat as flour would retain mill feed in this country and thus cheapen its home price.

Our exports of agricultural products go to countries that are themselves deficient in farm production. They might fear a move to restrict our farm surpluses; they will not protest against a measure that tends to keep up their supply.

It is not consistent to argue, as the message does, in one paragraph that we are conferring unfair advantages on foreign agriculture, and then argue in the next paragraph that foreign nations will be moved to reprisals. One or the other of the objections might be valid, but surely not both.

It is objected that "we are already overproducing." Our agriculture was developed on an export basis by conscious effort of National and State governments, of railroads, banks, and civic agencies. The war forced further expansion of agriculture, industry, transportation, and labor. Our national postwar effort has been directed successfully to save industry, transportation, and labor from the effects of transition to a peace-time basis, leaving agriculture exposed to the full shock of postwar deflation. It was our national policy that expanded agriculture. Therefore it has become a national responsibility to aid agriculture as other groups were aided. Instead of meeting that responsibility, and developing a national program to promote agriculture side by side with industry, we are pursuing a national policy aimed to expand industrial exports at the expense of our agricultural market in other countries.

Taking the long view of the relation between our farm production and population, the National Industrial Conference Board makes a clear statement of the falling behind both of acres and farm production: "Since the beginning of the century our mining production increased about 231 per cent; our manufacturing production about 190 per cent; whereas agricultural production only increased 38 per cent. The number of acres in farms per capita increased up to 1860, but then started to decline since it was then limited by the limits of our territory. The per capita of improved farm land increased up to 1880, but since then has shown a downward trend. The acreage in harvested crops per capita increased up to 1900. Since then it has shown a downward trend. In the period 1920–1925 this decrease was very sharp, between 9 per cent and 10 per cent.

Instead of this process resulting in an increase in yield per acre to make up for the declining per capita acreage in crops, there has been a slackening in the upward tendency in the yield per acre, which was in evidence before the beginning of the century. Neither has there been any increase in the total per capita agricultural production. In fact, the period 1920–1925 shows about 5 per cent below the pre-war years 1910–1914.

XII

"That the insurance provision is 'destructive of all orderly processes of trade,' and is unfair to nonmembers of the cooperatives."

This provision takes previous utterances of the President at literal value. It has been repeatedly said from the White House that cooperative organizations are the agencies through which the agricultural surplus should be controlled. With an insurance agreement such as proposed cooperative associations could afford to withhold a surplus from the market when supply and demand conditions jeopardize producer's interests. The cooperative would be able to advance nearly the full current market value at time of delivery by its member. This would overcome the great handicap that now prevents cooperative associations from increasing membership. With it removed, it is believed that cooperatives would rapidly bring a majority of producers of certain commodities within their organizations.

The insurance proposal does not insure a cooperative association against loss if it sells unwisely. It merely insures against changes in the level of the quoted market. Nor is there any "straight Government agreement" to insure cooperatives, as the message represents. The agreements were to be made with the backing of the stabilization fund for a commodity, raised by the fees paid by the commodity itself.

XIII

"That it would disrupt existing channels of trade."

The report of the Senate committee anticipated this criticism. It said:

"Under the committee bill existing agencies are employed to do all of the buying, storing, or selling that the board deems necessary in controlling and handling the surplus. Instead of upsetting existing trade channels, the committee bill uses them exclusively. It is true that under contracts with the board corporations created and controlled by cooperative associations would probably handle, store, and sell, both in domestic and export markets, a larger volume of the surplus commodity than at present. To that extent they would probably render unnecessary some noncooperative private grain exporters and buyers of farm commodities for speculative profits. The committee understands that this result would likewise follow from any equivalent growth in the functions of cooperative associations. Congress must abandon its policy of promoting cooperative marketing if it is to preserve from interference every speculative dealer or exporter trading in farm commodities."

XIV

"That many farmers have not asked for it."

During four years in which this legislation has been considered not a single representative of a membership farm organization has opposed it before committees of Congress. On the contrary, the committee reports list literally hundreds of organizations that have appeared petitioning for it. Unanimity among bankers was not required as a condition to enactment of the Federal reserve act or of the branch banking

act, which the President signed on the day of his veto of the farm bill. There is probably no precedent for a veto based on such a reason. After all that has been said by the present administration about cooperative marketing, the recommendations of the associations handling the commodities affected are pushed aside, while the message emphasizes a suggestion that "important minorities" have advised the President against the legislation.

Senator NORRIS, former chairman of the Senate Committee on Agriculture, on March 29, 1926, inserted in the RECORD correspondence referring to an agreement by the President and two of his Cabinet officers with the former chairman and the legal advisor of a national council of cooperative marketing associations. In this correspondence these gentlemen then representing the cooperatives admitted that they had agreed with the President and the Secretaries of Commerce and Agriculture that their organizations would oppose legislation aimed at surplus control—to which the veto message now refers as "the heart of the whole problem." This understanding was reached without the knowledge of the cooperatives that composed the council. Practically all of them were, in fact, favorable to surplus control legislation and supported the McNary-Haugen bill. This incident indicates at least one quarter from which came the President's advice on what the farmers want.

The message says "several of the largest farm organizations have refused to support" the farm bill. The foregoing paragraph throws light on what happened to one of them. Of the three national farm organizations, one of them on this very issue repudiated its president, who had stood with the administration. Another at its annual meeting in October indorsed the Corn Belt program for agricultural equality, which includes the McNary-Haugen bill. The third at its annual convention in November made an emphatic declaration on the surplus problem and indorsed far more radical legislation involving Government subsidy through bounties on exports.

CONCLUSION

As a summary of what the bill does contemplate, it may be said that it is addressed primarily to surplus control. It provides especially for certain "basic agricultural commodities," because they are the principal cash crops of which we export a surplus. Collectively they are the foundation of farming in the great agricultural areas of the United States. In addition the bill treats with all farm commodities as fully as any loan measure can soundly provide for them.

The bill provides a method by which a majority of the producers of a "basic" commodity may regulate the flow to market of the surplus portion of a crop in order that supply and demand may be balanced over a longer period than is possible under existing conditions. Through the principle of an equalization fee it would enable American farmers to influence the marketing of their surplus products in ways that would permit maintenance of domestic price levels in line with domestic costs and standards of living. It does not attempt to annul the law of supply and demand, but to administer it in the interest of producers. The equalization fee spreads the cost as well as the benefits over the whole crop and avoids Government subsidy. If supply and demand are fairly balanced, prices will equate themselves in line with general prices and with general business conditions. In this equation other than basic commodities will find their level; thus there is no justification for the charge that it will destroy diversification or that it favors one crop at the expense of another.

There is no Government buying or selling; there is no price fixing by Government agency; there is no guarantee of profits to millers or packers. The board is directed to assist in removing or withholding or disposing of the surplus of the basic agricultural commodity by entering into agreements with cooperative associations engaged in handling the basic agricultural commodity, or with a corporation or association created by one or more of such cooperative associations, or with persons engaged in processing the basic agricultural commodity, or with other persons if there are no such competent cooperative agencies. Such agreements may properly provide for the payment of the losses, costs, and charges arising out of such contracts dealing only with surplus. There is no interference with the balance of the crop.

Proponents of this legislation have never claimed that it is a cure for all the ills of agriculture. It is recognized that high costs of production, distribution, transportation, local and State taxes, and other causes must be addressed. It is claimed, however, that the bill would remove one of the major hindrances to agricultural recovery, i. e., the difficulty of equating supply to demand over a reasonable length of time, and of preventing excess supplies from demoralizing markets which otherwise would be profitable.

FAILURE OF GOVERNMENT CONTROL

Mr. SUMMERS of Washington. Mr. Speaker, the failure of Government control of the liquor traffic to reduce liquor consumption, drunkenness, or crime; its part in developing new appetities and in furnishing both customers and supplies for the bootleg trade; its diversion of enormous sums of money from legitimate business, and its corrupting influence on women and youth especially has recently been set forth in an independent study of the various Canadian Provinces by an American journalist.

From the official reports and statements by officers in charge of the Government liquor boards this observer of Canadian affairs presents a terrible indictment of this method of handling the liquor traffic. From his series of articles I quote some typical portions which refute better than argument could do the pleas of the advocates of Government control as a substitute for prohibition in this country.

BRITISH COLUMBIA

That bootlegging is not prevented or seriously hindered by the Government control of liquor is clearly set forth in these studies. In British Columbia the 600,000 residents of the Province are taken care of by 70 Government whisky shops, 250 beer parlors, and 81 clubs. Twenty-three ridings have beer parlors as a result of their vote in the plebiscite. Eighteen are without them for the same reason.

Victoria, the second largest city in the Province and the capital, gave a large majority against sale of beer by the glass. Vancouver also seemed to have rejected beer parlors by a small majority, but when so-called absentee votes were counted the tide was turned sufficiently to permit licenses to be granted.

The beer sold in British Columbia is 4.5 per cent alcohol by weight, or nearly 9 per cent proof spirits, as compared with Ontario's 4.4 per cent beer. The beer must not be under 3.5 per cent. Hugh Davison, liquor controller for the Province, is thus quoted in this series of articles on the bootlegging and moonshining problem:

The sale of beer by the glass has certainly cut down the bootlegging of beer. But we still have moonshine, which will always be with us under any system. And we still have the bootlegging of whisky, due to the right of the private citizen to import liquor and, more important still, the leaking back into Canada of liquor released from bond in export warehouses supposedly for foreign parts.

Premier Oliver, when asked what was the preferred name for places that sold drinks by the glass—beer parlors, licensed premises, or taverns—is thus quoted:

"You can't tell me anything about their names," he chuckled. "I know them all. I call them whisky shops."

ROAD HOUSES AND BOOTLEGGERS

Concerning road houses and bootleggers, the investigator says:

On October 10, seven months after beer parlors were introduced, the Vancouver Sun editorially expressed the following opinion:

"Bootleggers are almost as thick in Vancouver as corner candy stores. It is a poor neighborhood nowadays that does not have its community beer or gin merchant. It is an extraordinary thing that almost everybody knows more about booze joints than the police.

"How is it that one out of every three Vancouver citizens has a list of from one to five obliging bootleggers in his possession and still the police can not close these lawbreakers up?

"How is it that absolute strangers can go to the telephone and have whisky delivered to their doors at liquor store prices, and still the police can not find out where it comes from?

"How can sensible citizens expect a high standard of morality to obtain in greater Vancouver when greater Vancouver is honeycombed with bootleggers and road houses that specialize in an all-night trade?

"It requires only a brief perusal of the newspapers to find out that liquor is usually the chief factor in the loosening of moral standards. Clean out these illicit liquor joints and one of the biggest moral menaces will be removed."

A MATTER FOR SHAME

The Sun is a liberal paper and supporter of the British Columbia Government. Yet on January 14 it editorially stated, under the caption "Driving the people to drink":

"The government and the liquor commissioners are gloating over the amount this Province is making in liquor profits. They ought to be ashamed of it."

On January 17 the Sun returned to the attack and made the following editorial comment:

"British Columbia's liquor law, more particularly this final blow at the clubs, achieves the highly encouraging feat of giving the maximum opportunity to the bootlegger and minimum control to the government. The people of this Province voted for moderation, not for big liquor profits for drunkenness."

The Province, the conservative paper, strongly condemned Premier Oliver for supporting the sale of beer by the glass. It said:

"Yesterday's vote places part of the Province under one system and the remainder under another. Those who have seen attempts to administer dry or semidry laws in small territories adjoining wet ones know well how futile such an experiment is. In the days of the old bar licenses were held in individual names, but it was the brewers who really owned them, and it will be so again. The aim will be not

moderation or control, but to press the sale of beer at all costs and so boost profits. And with the sale of beer there will be unlimited opportunities for the sale of hard liquor. The fact has never been disputed that the principal thorn in the flesh of the liquor (government control) administration has been bootlegging.

"These licensed emporiums will put unlimited facilities in the hands of the bootlegger, and they will be under the control of interests which have up to the present, according to the chief law officer of the Crown, been doing their utmost to contravene the will of the people, to defy the government, and to tear down the law of the land.

"In Vancouver the home-loving citizens gave a majority of 164 against beer, though the iniquitous absentees gave a final result of 72 the other way. So, seemingly, it is the absentee that is to decide. The dock worker at Victoria, the miner at Nanaimo, the orchard worker in the Okanogan is to say that Vancouver shall have beer by the glass.

SICK OF WHOLE BUSINESS

"The Okanogan Commoner editorially expressed the opinion that 'the men and women of our Province are sick of the whole business of booze peddling at a bootlegger's profit in which our municipalities are bribed to share. The Province was promised government control—the people voted for it. But amendment after amendment has been put through, until government control has been warped out of its true meaning and we have a spineless law enforced by men infected with the disease of indirection. Our government liquor policy is a disgrace.'"

Government control in British Columbia seems to have failed to inculcate respect for law, according to the following figures quoted by this investigator from the liquor controller's reports:

	1924	1925
Number of violations	2,196	3,364
Persons jailed	570	621
Persons fined	901	1,661
Cases bail estreated	548	906
Fines collected	$47,760	$111,375
Bail estreated	29,420	49,225
Total penalties	77,180	160,600

Reduced to percentages this means that the fourth year of Government control in British Columbia witnessed an increase in that one year of 53 per cent in violations of the liquor act, of 9 per cent in the number jailed for such offenses, of 80 per cent in the number fined, of 65 per cent in the number for forfeited bail, and of 108 per cent in the amount of cash penalties.

Here are some comparative figures of various offenses of the liquor act taken from the liquor controller's report:

Selling or offering liquor for sale, etc.:
1924, 161 cases; penalties, $1,650.
1925, 276 cases; penalties, $37,800.
Possession of liquor unsealed:
1924, 132 cases; penalties, $7,560.
1925, 274 cases; penalties, $13,675.
Drunk in a public place:
1924, 1,274 cases; penalties, $39,210.
1925, 1,720 cases; penalties, $33,800.
Permitting drunkenness, etc.:
1924, 21 cases; penalties, $1,250.
1925, 40 cases; penalties, $2,250.
Keeping liquor in hotel other than in guest room:
1924, 46 cases; penalties, $2,520.
1925, 132 cases; penalties, $8,000.
Keeping liquor where nonintoxicating liquor sold:
1924, 97 cases; penalties, $4,850.
1925, 131 cases; penalties, $8,215.
Keeping of liquor in a restaurant:
1924, none; no law on point.
1925, 31 cases; penalties, $1,550.
Selling beer or near beer:
1924, 155 cases; penalties, $5,390.
1925, 420 cases; penalties, $38,150.

The Empire Brewing Co. issued a prospectus which said:

"Read the following report of the National Breweries, of Quebec, and then consider the advantage your stock will have in a Province where competition is eliminated by Government purchase and the price of beer is much higher."

"The National Breweries has pursued a policy of expansion and improvements by erecting extensions and adding new plants, paying for these out of current earnings without increasing bonded indebtedness * * *. The ever-increasing profits amounted to more than $1,250,000 in 1922, as compared with $452,400 in 1915. * * * The last annual report shows the company to be in a very strong financial position, having built a substantial reserve of nearly $9,000,000 by the end of 1925. Brewery licenses are strictly limited by the Dominion Government.

"Frankly speaking, we are offering you the opportunity to get in on the ground floor of one of the most profitable industries in this or any other country."

The church and business, looking at government control from the standpoint of morals and trade, agreed upon its failure. The survey thus presents their attitude:

The Rev. A. H. Sovereign, F. R. G. S., the Anglican minister of St. Mark's Church, located in what is largely a workingman's district, was good enough to state his views in writing in these words:

"I do not think the government control plan is a success. Economically, the Province is spending $1,000,000 a month, with no return of value or permanence. It is estimated that bootleggers sell an amount equal to the government sale. This is a terrible economic drain.

"Morally, I believe we are in a worse condition than with the old open bar. In the old bar system, a man would go in and take a drink and go out. Now he sits down at a table, he can drink more and probably will.

"And there are women in our beer parlors. No woman ever would go into the old bars. But they are allowed in the beer parlors and in many cases the results are terrible."

"The Rev. J. Richmond Craig, the Presbyterian minister of First United Church, corner of Gore and Hastings, was emphatic in his opinion. He carries on his work in a poor district, surrounded by every sort of undesirable element.

"'I would rather have the bar than the beer parlor,' declared Mr. Craig. 'Then you would not have girls going in with boys to drink strong beer. Nor would you have prostitutes going in to openly solicit half tipsy men. That is what we have now.

"'There are more small blind pigs since the beer parlors came. And the big bootlegger is still going. Bootlegging in this Province is a highly organized business. And the government sells to the bootlegger. That is where he gets his supplies in many cases.

40 PER CENT MORE BEER

"'The government admits that there has been an increase of 40 per cent in the consumption of beer, due to the new policy of selling beer by the glass, and a reduction of only 6 per cent in the use of spirits.'

"Chris Spencer, the big departmental store owner, regarded as one of the foremost citizens of Vancouver, said:

"'When prohibition came, the improvement in the volume of our business was marked. The law was enforced until the flu epidemic gave an excuse for relaxing. The money spent on liquor would otherwise be available for clothing and all business would be better.'"

DRYS AND THE BEER PARLORS

"The Bulletin, the organ of the prohibitionists of British Columbia, summarizes the case against the beer parlors in these words:

"1. An alcoholic appetite being implanted in young men and women.

"2. Parlors being freely used as places of solicitation by street walkers.

"3. They play into the hands of the 'blind pigs' and speak-easies, which continue the trade after the closing time of the parlors. Patrons become sufficiently inebriated to set out for 'hard stuff' and get it at the bootlegger's.

"5. They have demonstrated that liquor and politics do get mixed up.

"6. It is an immensely satisfactory and profitable affair for the brewers, who have monthly settlements by the Government, have made their own price for beer through combine, and have eliminated salesmen, collectors, and overhead charges.

"7. Other businesses which can not afford the rents of beer parlors can not compete.

"8. The whole procedure is a nonessential, built on pandering to encouraging self-indulgence, an alcohol appetite, and a whisky complex.

"9. It wastes money that should go into the making and keeping of homes, out of the pockets of the many, chiefly the 'workers,' to go into the pockets of the few, the beer barons and their '800 per cent profits.'

"10. Women were not allowed in the old hotel bars. One can see from one woman up in almost any beer parlor in town at almost any hour of the day in Vancouver. At the very least it means that a new alcohol taste is being implanted in a thoughtless and incautious girl amid circumstances of extreme moral temptation."

VANCOUVER

Concerning Vancouver, he writes:

Last year a multitude of government whisky stores, beer parlors, and "gentlemen's clubs" catered to the drinkers of Vancouver. Yet, there was much illicit selling checked up by the police of Vancouver and much more that the police did not overtake. Here are some interesting figures.

Number of violations of the prohibitory act during its worst year, in 1920, 896.

Number of violations of the government control law in the year 1923, 2,063.

Number of violations of the government control law in 1925, with sale of beer added to system, 2,505.

Worked out to a percentage basis, these figures show that in the year beer parlors operated the police had to handle 21 per cent increase of violations of the liquor law and that infractions of the liquor control law showed an increase of 179 per cent over the number of infractions of the prohibitory law in its most unsatisfactory year.

ALBERTA

Moonshine is prevalent in Alberta in spite of the most liberal "control" by the Alberta liquor commission. Concerning that system, this investigator says:

Alberta's system for the control of liquor is more like British Columbia's than any other system. The government sells whisky and other spirits on permits, which are easily secured, and the purchases of citizens are recorded on the back of their permits. Beer is sold in numerous beer parlors or taverns, where the customers sit down to tables and are served by male waiters. Both beer and whisky can be bought in unlimited quantities.

He quotes Liquor Controller Dunning thus:

"The greatest problem I have," said Mr. Dunning when questioned on that point, "is with moonshine in the country districts. Although it might seem that generous provision was made for the needs of the people, many of them are ignorant, and they have for years, or their people for generations, made moonshine. Some of it is terrible stuff. I have had samples analyzed and am told that it would kill any ordinary people. But these people are peculiarly hardy."

The annual report of the Government control board states that—

"For excessive drinking and other reasons the board in 1924 canceled 187 permits to buy liquor, interdicting or placing on the Indian list 84 persons. Of these, 54 had not bothered to buy permits. The number on the Indian list grew to 374 in 1925, of whom 147 were put on during the last three months of the year. Only 49 of the 147 had permits, which emphasized the fact that a certain type of person refuses to buy permits to obtain liquor."

The criminal situation resulting is revealed by the official reports:

DISORDERLY CASES LEFT OUT

Ordinary cases of drunkenness in Alberta reported to the liquor control board in 1925 numbered 1,512, as compared with 1,254 in the Government control part of 1924. The liquor board gives 294 as the number of persons convicted for drunkenness in Calgary in 1925. The chief of police for that city gives the number of cases prosecuted thus:

Drunk, charged under Alberta liquor act	328
Drunk and disorderly	126
Drunk in charge of an auto	28
Total number of drunks	482

A considerable increase has taken place in the number of drunk-and-disorderlies and drunks in charge of autos, but, as indicated, these do not find their way into the liquor board's report. While the discrepancy between 482 prosecutions in Calgary and the 294 convictions in the liquor board's report is large, it must be remembered that not every case prosecuted results in a conviction.

Infractions of the liquor control act were slightly more numerous proportionately, in 1925 than in 1924, the cases numbering 489 for the first period and 795 for the second period.

The number jailed for infractions of the act from May to December in 1924 was 290; for the whole of 1925 the number was 356. The fines paid in 1925 totaled $80,915.

Three bodies have a hand in the enforcement of the act, namely, the municipal police, the provincial police and the liquor-enforcement branch of the Government-control board. The municipal police were responsible for the conviction of 905 drunks and 150 other violators of the act. The provincial police had 601 drunks convicted and 325 violators of the act. The control board's own officers convicted 6 drunks and 320 violators of the act. It will be noticed that the municipal police convicted 905 out of 1,521 drunks, but only 150 out of 795 bootleggers and other violators of the act.

The drunkenness was distributed in this way: Edmonton, 385 cases; Calgary, 294 cases; Lethbridge, 69 cases; rural districts, 763 cases.

Bootleggers and other violators of the act were distributed thus: Edmonton, 124; Calgary, 124; Lethbridge, 56; rural districts, 491. Edmonton and Calgary vie with each other in most things and managed to show the same number of bootleggers and other violators of the act, apart from drunks.

SASKATCHEWAN

Increasing drunkenness, the encouragement of the appetite for liquor and the destruction of the good accomplished by temperance legislation and education are among the results of the Saskatchewan liquor-control system, as seen by this investigator, who sums up the outstanding features of the law thus—

All the intoxicating beverages that are sold legally are sold by the government and this sale stops at 7 p. m. In 25 of the largest centers of population Government whisky-and-beer stores sell to all and sundry who come along without asking any question or charging any fee or requiring any permit. A person can buy a given quantity and a generous one every day in the week and every day in the year and the government employees may not bother inquiring whether you had bought a similar quantity that day from any other of the general stores, although that is illegal.

The quantities any citizen or visitor can buy daily under Saskatchewan's effort at control are—

Two gallons of beer.
One gallon of wine.
One quart of whisky.

Those who are mathematically inclined can figure out what Mr. Citizen can buy in the course of a year. Allowing for the fact that the stores are closed on Sundays and assuming that there are a dozen holidays and voting days when no sale is permitted, the individual can purchase 600 gallons of beer, 300 gallons of wine, and 300 quarts of whisky per annum—that is, if he has the price. It may be taken for granted that these quantities will hold the average citizen whether or not he can hold them.

Doctor Amos, the liquor controller at Regina, is quoted as admitting that the bootlegger is present in the Government-control territory:

Some 900 seizures of bootleg liquor have been made and the stuff handed over to us. Some of it was our own liquor—in some cases just as we sold it, and in other cases adulterated. There was also a certain amount of vile stuff seized. Our board itself has nothing to do with enforcement, which is attended to by the attorney general.

Doctor Amos said that during eight months in 1925 approximately $70,000 of liquor had been sold on doctors' and druggists' prescriptions. Several professional men—about six—had had their licenses to handle liquor canceled for abuse of their privileges.

The following quotations show the difficulties of the Government-control system:

As to the handicap of the legal sale of near beer under prohibition, Attorney General Cross said: "The regulation of the sale of near beer, commonly known as 2 per cent beer, has in the past given great difficulty in the enforcement of our present act. The fact that soft-drink vendors are allowed to handle near beer has unfortunately opened the door to the sale of much strong beer. This has been one of the greatest difficulties with which the law-enforcement officers have had to contend.

"The city council of Moosejaw was so upset by conditions in the town under the government control law that on November 17 last it decided to summon 15 restaurant, hotel, and poolroom licensees before it while it considered the cancellation of licenses.

"In spite of the heavy sale at the Swift Current government control store, illegal traffic continues. One Regina paper within a few days this month carried a succession of news items about infractions there.

"An officer in charge of a Saskatchewan provincial police district of probably 50,000 square miles extent was almost bitter about some features of the government control law, although he could not be classed as a dry.

"'All the Chinese restaurants are bootlegging,' he said. 'Drinking is allowed only in private residences, so the Chinks build shacks behind their business places, put a bed in, and sell liquor. They are not the only ones.'

I inquired where the bootleggers got their supplies.

"From the government store," came the answer without a moment's hesitation. "Each citizen can buy 2 gallons of beer, 1 gallon of wine, and 1 quart of whisky every day. But he can get a special permit to buy every fortnight 10 gallons of beer, 10 gallons of wine, and 2 gallons of whisky. The bootlegger uses the special permit."

To the suggestion that the special permit would be canceled if the man were convicted the officer said that there was the rub. How could one convict? The man was entitled to so much liquor in the course of a week; that the fact that he had a large quantity on hand proved nothing. He said that when a man bootlegged by the case he got $1.50 above what he paid to the government.

The effect of the sale of liquor under government control in Saskatchewan as compared with conditions under prohibition is thus set forth by the survey:

I secured from the police chiefs of Regina, Saskatoon, and Moosejaw some figures which may help to throw light on the effect of government control on the drunkenness, bootlegging, and general crime of the Province.

Taking the figures for all cases of drunkenness in Regina, the capital city, for the period from May 1 to December 31 last, with government

control in effect, and comparing them with the same period in the year 1924, when prohibition was in effect, we have this result:

Prohibition, in 1924, 147 cases.

Government control, in 1925, 334 cases.

Increase under government control, 127 per cent.

HOW GOVERNMENT CONTROL CONTROLS

Figures are usually good or bad, according as they look when comparisons are made. Looking backward we find this:

1922, prohibition violations, 718.

1923, prohibition violations, 773.

1924, prohibition violations, 863.

1925, Government-control violations, eight and a half months, 1,355 violations of Government control; for whole year, based on above, 1,912.

Increase under Government control, 111 per cent.

These figures do not include figures for drunkenness. For a shorter period, namely, from April 15 to October 1, 1925, the provincial police alone in their five districts prosecuted 761 cases of violations of the act, distributed as follows: Regina district, 159; Saskatoon district, 155; Weyburn district, 214; Prince Albert district, 98; Swift Current district, 135.

The Prairie Bulletin, a temperance paper, summing up the results of six months of Government control, said:

"The number of licensed breweries in Saskatchewan has increased from one to four. We had only one in operation at the close of the prohibition era in April, 1925. New ones have been opened at Prince Albert, Regina, and Moosejaw. Schemes are under way, and, indeed, far advanced, to open up other licensed breweries. There was at the close of 1924 no brewery in the prairie provinces that had not been convicted more than once in the courts (either the company or its agents) of bootlegging."

BREWERIES BUSY IN MANITOBA

Manitoba sells spirits from government-order houses but beer is sold directly from the breweries which are not supervised. The brewery trade is constantly growing. The legal quantity of liquor obtainable on permits is a dozen quarts of whisky and 48 pint bottles of beer per week. The investigator quotes Doctor Bayley, a member of the Manitoba legislature as speaking thus from his place in the house:

Speaking from his place in the house, Mr. Bayley listed among the effects of government control the following: "Illicit sale common in cities and towns and admittedly impossible to check under the present law. Drinking and a degree of intoxication common at young people's parties, high-school and college functions, and hotel dances in all parts of the Province. Drinking on the part of ''teen age' boys and girls a widespread menace. Home formerly free of liquor being gradually brought into the circle of liquor users. Men dismissed from employment because of intoxication. Cumulative evidence of the continued relationship between the circulation of liquor and the promotion of sexual vice.

WHAT PROHIBITIONISTS SAY

"A recent statement issued by the Manitoba prohibition alliance states that in the first 16 months of government control the Province spent $9,000,000 on liquor, which, it says, is a heavier drain than the earnings of the population ought to be subjected to, seriously handicapping genuine business and cutting down the comforts and conveniences which would otherwise be purchased."

"From the beginning, says the statement, the Government liquor control act left the way open for widespread illicit sale. Enforcement was impossible. The Government, in conjunction with the law enforcement board and the Government liquor control commission in 1924 sought amendment with a view to enforcement. But moderationist influence prevented any amendment being made. Liquor is dominant.

"The brewers' sale of beer is a source of most flagrant evils in the Province itself. There is no direct or effective supervision of their sales and deliveries. Violation of law is common in connection with their operations. They are pushing trade, enlarging their plants, soliciting orders, doing their utmost to flood the whole area. Such operations should have no place under anything called government control. It is simply a free-for-all for the brewers.

"Among the worst features of our system is the incessant solicitation of the populace to drink. The pages of city dailies, local weeklies, telephone directories, etc., are ever eulogizing the intoxicating beverages with a view to increasing the number of drinkers. Should government control at all solicit our people to drink liquor?

TEMPTING THE YOUTH

"Young people of the 'teen' ages, immature in judgment and experience, invited in their ordinary social gatherings to drink, are falling into habits of drinking and vice, and children of temperance homes are too frequently counted among the victims."

BOOTLEGGING IN MANITOBA

Bootlegging in Manitoba is thus described by the survey:

By arrangement with Premier Brackin I interviewed Chairman Waugh, of the Government control board, at the Henry Street liquor warehouse.

I asked Chairman Waugh the question I have asked everywhere, namely, "If it is made so easy for people to get liquor legally, why do they buy from a bootlegger?"

"That's the mystery," said Mr. Waugh. "I suppose there are some men who don't want their people to know they are drinking. And there are some women who object to their husbands bringing liquor into the home. There are even some husbands who object to their wives drinking. So these get liquor away from their homes and become violators of the act."

Mr. Waugh said men bought from the Government at $3.40 per case, or a little more than 30 cents per quart bottle, and retailed it illicitly at 25 cents a glass, which was a pretty good profit. The difficulty of enforcement lay in the fact that liquor was legally sold. Mr. Waugh did not say it, but another prominent law-enforcement officer did, that some magistrates did not see why men should be convicted by the Government for infractions of the act when the Government supplied the liquor in the first place.

Mr. Waugh's remark about paying $3.40 per case evidently applied to beer, so I asked him about that feature of the system in Manitoba.

NO CONTROL OVER BEER

"There is really no control in the matter of beer," he said somewhat ruefully. "The breweries can sell direct to the people, and we have little check over them."

In Manitoba government control came into operation on August 7, 1923.

The net profits for the 12 months ending with August, 1924, were $1,346,000. The net profits for the following 8 months were $982,016. The profits for the two periods work out to an average of $112,000 and $122,000, respectively, per month, and do not indicate the considerable decline of business that the premier mentioned to me. The decline has been estimated, probably by way of exaggeration, to be at the rate of a quarter of a million dollars per year and appears to be a recent development. The gross sales for the 8 months ending with August last totaled $2,962,000, as compared with $3,639,000 for the previous 12 months, which works out to an increase in gross sales of $67,000 per month.

Some interviews in this survey present excellent refutation of the arguments offered by those who would transplant Government control to the United States. I quote them here:

Attorney General Craig, of Manitoba, is credited in most quarters with making an honest attempt to enforce the government control law. But he frankly admits he is not succeeding any too well—that bootlegging is more prevalent than it was under prohibition. By bootlegging he means the illicit sale of beer, mainly, although the Province is not free from the bootlegging of whisky.

THE MAYOR'S BOMBSHELL

The bombshell Mayor Webb launched in October at the Manitoba United Church Conference, where he unexpectedly appeared, startled Winnipeg. The mayor is a hotel man. The community was amazed when he went before the conference and said conditions in Winnipeg, due to the Government control law, were undermining the whole social structure. He blamed the ministers for not speaking out and the Province for not more vigorously enforcing the law, saying that if the Province would give the city some real help he would clean up the city in no time.

The lawyers who helped draft the law, declared his worship, are now defending the criminals who violated it. In the bootlegging business a man is fined $200 and the next day is in the business again. The law should either be enforced or repealed.

F. W. Russell, Canadian Pacific Railway land agent, is head of the Moderation League in Manitoba, and has been since 1920. He came to the hotel to see me and passed his judgment on the operation of the present law which he declared to be of league parentage.

All the responsible people of Manitoba will tell you that the system is working satisfactorily, or at least as well as could be expected, he said. We have as much bootlegging as during prohibition. There are hundreds and hundreds of bootleggers in Winnipeg. But there is this difference. The Government is getting a profit on the liquor sold by them.

SHOULD BE CHEAPER

Mr. Russell also thought that the price of liquor was too high. While he did not want to increase drinking, he thought alcoholic beverages should be cheapened.

LAWBREAKERS LAUGH AT FINES

In December, Judge St. George Stubbs criticized the enforcement of the government control law in the county court, saying:

"I can not understand the attitude of the authorities charged with liquor law enforcement. They are content to inflict money penalty when the act clearly provides a term in jail. Liquor sellers laugh at a fine. A term in prison is the only thing that will teach them the wisdom of obeying the law. There is entirely too much discrimination in enforcing the act. Many well-known places are running wide open, while others less fortunate are haled into court."

The figures for crime are not conclusive. In 1915, before prohibition, the jail population was 1,591. In 1920, under prohibition, it was down to 964. The number increased from that time on until 1923, when Government control went into effect. That year the number of inmates in the prisons reached 1,307. Last year the jail population showed the biggest increase in 10 years, growing from 1,396 to 1,650, a record figure for the period.

The first complete year of Government control showed 793 convictions for violations of the temperance act. Last year the number grew to 855, a figure larger than that for all but one year under prohibition.

Premier Brackin and Liquor Controller Waugh and Chief Inspector MacLean, who has charge of prosecutions under the Manitoba temperance act, all told me that six of the seven breweries in Manitoba, or their agents, had been convicted of lawbreaking during a single month this year. I secured from Inspector MacLean the official record of the 23 convictions registered against these 7 breweries and their employees in the year 1925, the whole 7 figuring.

THE QUEBEC SITUATION

Many Canadians find themselves looking askance at conditions which they believe to exist under Quebec form of government control of the liquor traffic. They suspect that profits from the liquor business bulk unduly large in the minds of the Quebec government and that the government-control system does not restrict or discourage drinking, which they may feel any government-control system should.

The number of government stores selling whisky locally has grown steadily. It was 73 in 1923, 86 in 1924, and 90 in 1925. Yet the Government says that the sale of spirits is decreasing and the sale of wines and beer increasing. The liquor board's figures show this to be the case. There was a decrease in the quantity of spirits sold and a decline last year in the gross sales of all kinds of liquor by the government itself of almost $2,000,000. Spirits fell off by 57,942 gallons, or 7½ per cent, and wines increased by 90,187 gallons, or 14½ per cent. The sale of beer also grew, the breweries selling 26,000,000 gallons, an increase of about a million gallons.

"Montreal, whose population was put at 618,506 in the report of a year ago but is not stated this year, accounts for nearly half of all the places authorized to sell. The total is 1,091.

DRINK BILL OF THIRTY MILLIONS

"The sales of the Government stores last year totaled $17,000,000, giving a total liquor bill of $31,000,000. Some of the beer was exported and some of the whisky was smuggled into Ontario and the United States. But as there is a lot of illicit selling, and the liquor controllers tell me the gallonage of alcohol smuggled into Quebec by Americans is probably more than the quantity smuggled into the United States from Quebec, the Province's own liquor bill is in excess of $30,000,000. Any doubt on that point is removed when it is known that the amount of fourteen millions for beer is the wholesale price and much less than the total paid by the consumers.

"This $30,000,000 bill is not borne by all the citizens of Quebec. The liquor board's report states that more than half the people of the Province are under local prohibition. It works out this way:

UNDER LOCAL OPTION

"Seven cities.
"Forty-three towns.
"One thousand and twenty villages and rural districts.
"Total, 1,070 communities that are dry.
"Population of above, 1,206,232.

UNDER GOVERNMENT CONTROL (SALE)

"Total, 1,078 communities under Government control.
"Population of above, 1,154,967.
"In 1923, 7 municipalities voted for local option and 11 voted for the sale of liquor.

"A conservative calculation would indicate that the drink bill of the parts of Quebec where license prevails must average $130 per family of all the resident population, and that it must be much heavier than that in the families where liquor is used.

SMUGGLING BOTH WAYS

Coming to the question of rum running across the American border, the liquor controller said:

"We keep a patrol along the border and two motor cycles with six men. It is really not our business. It is not for us to compel respect for the laws of the United States. Frankly, I would not go to the expense we are going to just to prevent liquor going into the United States. We have troubles enough of our own.

"But we want to stop alcohol being smuggled back into Canada. There is a lot of it. In actual gallonage, I believe there is more coming into Canada from the United States than goes from this country into the States."

WORSE EVERY DAY

In 1924 the report of the liquor-control board said: "Mention is made of our police supervision with respect to the smuggling of alcohol as contraband into this Province from the United States. This state of affairs is only one of the manifestations of an evil which becomes more aggravated every day, and which threatens to invade, and as a matter of fact has already invaded, almost every branch of commerce and which constitutes an extremely difficult problem to solve.

"Complaints received against bootleggers are particularly directed against the sale of alcohol and whisky in bulk. Most of this alcohol comes to us from the United States. During the course of the year we have made several large seizures of American alcohol.

BLIND PIGS IN MONTREAL

"Our operations against illicit resorts or blind pigs in Montreal have by no means come to an end. Notwithstanding our efforts we are well aware that these illicit resorts still exist and that we shall never succeed in permanently closing up such places. Our experience clearly demonstrates that as soon as investigations and arrests are made in one of these resorts, business starts up again almost immediately afterwards with the same illegal methods. In several instances the proprietor so arranges matters that the real ownership is concealed by means of conducting this illicit business through an employee.

"Many clubs are nothing else but illicit resorts on a big scale. We have investigated them very carefully, in spite of which they continue to violate the law and the proprietors manipulate matters in such a way as to make it impossible for us to reach them. We succeeded in obtaining a conviction against one club which was seeking to bribe our men."

W. H. Wigg, a wholesale hardware merchant and leading citizen of Quebec, told me there was a lot of surreptitious drinking in the Province. He thought the drinking habit was a serious economic drain, taking away from productive industry support that it should get. People would buy more dry goods if they didn't buy so much wet goods. Although Quebec sells pure alcohol and beverages containing every percentage of alcohol under its Government-control system, it must not be thought that the Government is blind to the harm done by alcohol or that it does nothing to warn the people against the evils associated with the drink habit.

In a colored booklet the Quebec government's bureau of health tries to teach various lessons by means of pictures.

ABSTENTION ADVISED

Nor does the bureau of health let it go at that. It has issued other literature dealing with alcohol. One I hold in my hand gives this advice: "Abstain from alcohol. Alcohol clouds the intellect, stimulates the passions, blunts the conscience, removes that salutary fear which restrains and protects. Alcohol and prostitution go hand in hand."

The booklet does not discuss the question whether the alcohol in beer and the alcohol in wine acts differently from the alcohol in whisky, gin, and brandy. It does say what many temperance people proclaim and what many moderationists deny.

Less than a year ago Montreal paid $75,000 to hear the truth about itself. A police probe was held, which produced 200 witnesses and 10,000 pages of evidence. Much of the evidence about the drinking (under Government control) and social vice and about the protection of crime and wrongdoing was sensational, and the community gasped. But not for long. The report of the investigator, Judge Coderre, condemned the interference with the police by aldermen, the toleration of vice, and the lack of discipline in the police department, and recommended the appointment of a new chief. Some minor changes were made. Yet things are going on now pretty much as before.

"Vice shows itself in a city," said the judge, "with a hideousness and insolence born of the certitude that it will go unpunished. Like a giant octopus it stretches its tentacles in every direction and threatens to strangle a population which is three-quarters healthy and moral.

"Prostitution itself, commerce in human flesh in its most shameful form and most degrading effect, operates and flourishes in Montreal like a perfectly organized commercial enterprise. I do not know of any which have in such a short time enriched so great a number of proprietors. Its agents and its solicitors are legion. They are found in hotel rotundas, in the concourse of railway stations, in dance halls and other amusement places, and even at church doors. Prostitution runs rampant in the streets with its addicts and its protectors, who have always in their hands a card with the name and address of a public woman.

FLOCK OF PARASITES

"This commerce maintains a flock of parasites and loafers who make their unworthy living out of the degrading of others—even the merchant who peddles clothes from house to house, clothing which these unfortunate prostitutes are obliged to buy at two or three times their value. We see some of the proprietors make bold, and scandalously advertise their fortune, tour in luxurious cars, assist with greatest freedom certain worldly gatherings, and inhabit princely dwellings in the midst of respectable people, while a short distance away in houses full of misery and shame 10 or 15 unfortunate women, under the control of the iron hand of the keeper, purchase with their bodies, with their health, and often enough with their lives, the outrageous luxury which the proprietress displays.

"The police lent support, not to the strict and vigorous observance of the law, but rather to the functioning of the system which I have qualified as toleration. The city of Montreal, thanks to this system, puts itself in the first rank among the vice profiteers, and harvests,

year in and year out, in small fines, some $60,000 which it shares with the provincial government."

THREE THOUSAND WOMEN

The magistrate, Recorder Geoffrion, testified that there were 3,000 bad women in the city. He said that to shut down on the bad houses would only increase the number of street walkers.

MONTREAL PAPER'S CONCLUSION

The Montreal Standard some months ago asked: "Why is it that Montreal is the mecca of all the crooks in Christendom? Montreal simply teems with them—confidence men, dope peddlers, train robbers, blackmailers, gunmen, shoplifters, booze smugglers, card sharps, white slavers—all with international and some with universal records. What is the answer? It is that Montreal is recognized and acknowledged to be the easiest pickings for crooks in the world."

In 1924 the number of persons arrested or summoned in Toronto was 51,936, and the number of "cases" known to the police was 54,494. In Montreal 24,625 were arrested or summoned, while the number of cases known to the police was 38,265. Roughly, there were 3,000 cases in Toronto where prosecutions did not follow offenses, and 14,000 in Montreal. Toronto has twice as many automobiles as Montreal, but the police recovered all but 35 of the 1,414 cars stolen. In Montreal 369 of the 1,259 stolen cars were not recovered.

The following comparison between Montreal and Toronto is illuminating:

	Number of cases	Convictions
MONTREAL		
Thefts	5,711	492
Burglaries	1,818	153
Highway robberies	269	29
Total	7,798	674
TORONTO		
Thefts	3,847	1,126
Burglaries	596	202
Highway robberies	44	32
Total	4,487	1,360

If one were looking at convictions alone, it would seem that Toronto had 680 more cases of thefts, burglaries, and highway robberies than Montreal. Actually, Montreal had 3,311 such cases, but 686 fewer convictions.

It is the same with drunkenness, in fact, but the number of offenses of drunkenness can not be recorded like those of thefts, burglaries, and highway robberies. Police figures show more drunkenness in Toronto than in Montreal, which does not reflect the actual condition. The police here arrest the drunks only when they have to. At that there were nearly 6,000 convictions for drunkenness in the Province. In Montreal there were 529 persons in prison at the end of 1924 and only 107 in York Township, including Toronto. This comparison probably was abnormal.

DOPE AND SOCIAL EVIL

Next to British Columbia, Quebec Province has the largest dope traffic in Canada. In 1924, out of a total of 950 convictions in Canada for violations of the narcotics act, 581 were in British Columbia, a Government-control Province, and 225 in Quebec, another Government-control Province. Whereas there were only 100 in Ontario, which is under prohibition. It is fair to say that coast Provinces are naturally prone to have more cases.

The social evil, as well as the narcotics evil, is pronounced in Quebec and British Columbia. Of the total of 2,269 persons convicted in Canada of frequenting houses of ill-fame in 1924, no less than 1,108 were in Quebec, 575 in British Columbia, and 230 in Ontario. In other offenses of a gross character Quebec shows up to advantage when compared with other Provinces.

BEER WORST FEATURE

Canon F. G. Scott, famous Canadian padre on the western front in the Great War and well known as a poet, greeted me cordially as he smoked his pipe in his study in Quebec City. He is the most prominent of the Church of England clergy in the ancient capital.

"Beer is the worst feature of our Government-control system," asserted Canon Scott. "Men can go into taverns and stay as long as they like and drink as much as they like. The Province is placarded everywhere with signs advertising beer and ale as though liquor were the only thing in which we are interested. If we are to retain our present system, the Government should take over the breweries and eliminate private interests in beer as they have, to some extent, in whisky. You can put that as strong as you like."

"Whatever may be believed in other parts of Canada, Quebec authorities are under no delusion about Government control controlling, even when liquor can be obtained legally in 2,596 places in the Province. The liquor controller himself told me that more alcohol was smuggled into the Province for illicit purposes than went into the United States from Quebec. The report of the Government liquor board tells of the increasing number of cases of bootlegging within the Province and of the impossibility of suppressing it, even with the aid of a hundred special liquor police in the Montreal district and an additional number in the Quebec district.

"One of the daily papers recently quoted an unnamed official of the liquor commission as saying that the 'menace of the illicit liquor still is one of the main problems that faces the city of Montreal,' that it was increasing, and that the commission estimated that there were more than 1,000 illicit stills in full operation in and about the city.

"Perhaps an even more convincing indication of conditions is the fact that at the annual meeting of the Licensed Victualers' Association of Montreal, it was decided to ask the Quebec liquor commission authorities to solicit the help of the municipal police in order to put a stop to the clandestine and illicit sale of intoxicants in different parts of Montreal. It was shown that a great deal of harm has been done to the legitimate hotel and tavern keepers, who are trying to do fair business against unfair competition.

"The liquor commission's report, dealing with the Montreal district, says, 'The excess of 679 completed investigations during the course of 1924–25 demonstrates that a very active campaign was waged against illicit resorts (blind pigs) both in the city and in the country. As in the past, it has been proved that the tenants of such illegal resorts use every effort to continue doing business at the place where they have been already established. Nevertheless we succeeded in having several closed up, but many still remain open in spite of repeated raids made upon them.

"'Special mention must be made of certain so-called clubs where the owners defy the law and which up to the present we have found impossible to close up definitely.'

"Referring to conditions in Hull, it says that, owing to Ontario being dry, it will always have to suffer from the presence of blind pigs. Statistics prove conclusively that about 75 per cent of the business done by these illegal resorts is supported by strangers."

BREWERY STOCK RISES

Under government control, the breweries are prospering as never before, in spite of a rate war, according to the Montreal Standard.

The Montreal Star editorially stated: "There is an epidemic of crime in the Province of Quebec. Murders are shockingly prevalent and detection rare.

"It is the bounden duty of the Quebec government to awaken to its responsibilities. In dealing with the recent crimes of murder in Quebec that have shocked the community, the Provincial government will be closely watched, and it is to be hoped the authorities, by laxity or favoritism, or by surrender to improper influences, or for the sake of party exigencies, will not lay themselves open to a charge of complicity in crime as abettors of murder."

The Roman Catholic clergy in Quebec have taken a more active interest in the temperance movement of that Province than in some other parts of Canada. They had a large part in Quebec city voting for local prohibition in 1914. They have also kept liquor, so far as legal sale goes, out of more than half the Province. Archbishop Roy, the Bishop of Sherbrooke, and other prominent men of the clergy have worked hard to restrict the evils of alcohol, although aware of the French-Canadian's aversion to drastic restrictive measures.

Some of the social tendencies that are noticeable after five years of the operation of government control in Quebec are giving grave concern to the hierarchy. Recently L'Action Catholique, the official organ of the church, said:

"In the big hotels on the night of New Year's eve people drank until they were full, in plain language, and they conducted themselves as men and women conduct themselves whose bestial instincts have been loosed from every bond by alcohol.

"One thing is quite certain, that these revelers of the big hotels will not swell the figures of arrests for drunkenness."

DEBASING AND ABHORRENT

The daily press also has editorially condemned the carousing that features celebrations in hotels and restaurants under the Government-control system, although not expressly attributing the carryings on to the system. The Montreal Star said:

"At the Christmas season, and even more so in the closing hours of the year, scenes are enacted in our best hotels and restaurants by people whose training and tradition should single them out as examples which are debasing, degrading, and abhorrent to decent living men and women.

"Scenes of boisterous drunkenness are common, licentiousness which brings a blush of shame to even the least fastidious is everywhere observed, the amenities of social relations by which our healthy ethical concepts are maintained are relaxed, and men and women of their own desire deliberately step back into the habits of primitive savagery without primitive man's excuse.

BISHOP FARTHING'S VIEW

"Bishop Farthing, of the Church of England, expressed the opinion that drunkenness and bootlegging would obtain under any system that might be used."

This kind of testimony could be extended almost without limit. Government control of the beverage liquor traffic is a complete failure. It does not diminish the evils of that traffic. It legalizes this "source of crime and misery" which was outlawed in the United States. It increases the consumption of beverage intoxicants to the maximum. It revives the appetite of drinkers which were becoming weaned from liquor and creates appetite in the youth. It is a new source of public corruption. It promotes crime, pauperism, and disease. It diverts from legitimate trade enormous sums of money. The public and private expenditures for the care of the victims of drink are many times the total revenue the traffic pays the state.

The government-control system has never solved or even helped to solve the liquor problem. Every step in the direction of so-called government control is a step backward and downward.

WORK OF THE COMMITTEE ON INDIAN AFFAIRS

Mr. LEAVITT. Mr. Speaker, it has become customary for the chairman of the Committee on Indian Affairs to extend his remarks at the close of each session and each Congress in the form of a brief report on the work of the committee. This is because of the general interest throughout the Nation in the affairs of the Indians.

Two hundred and forty-six House and Senate bills were referred to this committee during the two sessions of the Sixty-ninth Congress. Some of them were duplicates, having been introduced in both the House and Senate in the same form. The full committee was in session on 51 days, and subcommittees considered 39 measures, holding meetings on 46 days. One hundred and eight reports were submitted to the House on bills referred to the committee.

As is always the case, some bills considered in committee were not brought to final conclusion, it being felt that the information available was not yet sufficiently complete for action. It is also true that many bills are introduced and, for various reasons, not urged by their sponsors. It has been the policy of the committee, however, to give as full consideration as practicable to all matters presented in the form of bills introduced by Members of the House or referred to after having passed the Senate. Where this has apparently not been done, it is almost universally true that action has been delayed to allow State delegations to compose differences of opinion or to work out in more detail the necessary information.

During the Sixty-ninth Congress a total of 77 bills acted upon by this committee became laws. Of these, 43 bills originated in the House and 34 in the Senate. Compare this number with the fact that, considering both public and private bills and resolutions, there was a total of but 1,422 enacted into law. Then it is seen that over 5 per cent of all laws enacted in the Sixty-ninth Congress had to do with Indian affairs. If we consider public laws only, the proportion is over 8 per cent. To put this in still another way, out of every 20 of all laws enacted by the Sixty-ninth Congress 1 had to do with Indian affairs, and out of every 12 public laws enacted 1 covers an Indian matter.

I take this opportunity of thanking my fellow members of the committee for the serious attention and hard work which made possible this amount of legislation, of such vital importance to the Indians affected.

I summarize the bills reported by this committee and enacted into law in the Sixty-ninth Congress:

H. R. 60. An act for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Reservation, in the State of Washington.

H. R. 96. An act authorizing an appropriation of $25,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the construction of a system of water supply at Taholah, on said reservation.

H. R. 97. An act authorizing an appropriation of $50,000 from the tribal funds of the Indians of the Quinaielt Reservation, Wash., for the completion of the road from Taholah to Moclips, on said reservation.

H. R. 178. An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

H. R. 183. An act providing for a per capita payment of $50 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States.

H. R. 186. An act authorizing the payment of tuition of Crow Indian children attending Montana State public schools.

H. R. 2229. An act to reimburse John Ferrell.

H. R. 4761. An act to amend the act with reference to suits involving Indian land titles in Oklahoma.

H. R. 5850. An act authorizing an appropriation for the payment of certain claims due certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses.

H. R. 6374. An act to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam.

H. R. 6727. An act to authorize the Secretary of the Interior to issue certificates of competency removing the restrictions against alienation on the inherited lands of the Kansas or Kaw Indians in Oklahoma.

H. R. 7086. An act providing for repairs, improvements, and new buildings at the Seneca Indian School at Wyandotte, Okla.

H. R. 7173. An act authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided.

H. R. 7752. An act authorizing the leasing for mining purposes of land reserved for Indian agency and school purposes.

H. R. 8184. An act authorizing the Secretary of the Interior to purchase certain land in California to be added to the Cahuilla Indian Reservation, and authorizing an appropriation of funds therefor.

H. R. 8185. An act to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes."

H. R. 8186. An act authorizing the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor.

H. R. 8313. An act to allot lands to living children on the Crow Reservation, Mont.

H. R. 8486. An act for the relief of Gagnon & Co. (Inc.)

H. R. 8564. An act for the relief of Lewis J. Burshia.

H. R. 8652. An act to provide for the withdrawal of certain lands as a camp ground for the pupils of the Indian school at Phoenix, Ariz.

H. R. 9351. An act extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation.

H. R. 9558. An act to provide for alloting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation, Mont., and for other purposes.

H. R. 9730. An act to provide for an adequate water-supply system at the Dresslerville Indian Colony.

H. R. 9967. An act authorizing an expenditure from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation.

H. R. 10610. An act to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians.

H. R. 10976. An act amending the act entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," approved May 30, 1908, as amended, and for other purposes.

H. R. 11171. An act to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor.

H. R. 11510. An act authorizing an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes.

H. R. 11662. An act authorizing an expenditure of tribal funds of the Crow Indians of Montana to employ counsel to represent them in their claims against the United States.

H. R. 12390. An act authorizing the payment of drainage assessments on Absentee Shawnee Indian lands in Oklahoma, and for other purposes.

H. R. 12393. An act to amend section 26 of the appropriation act of June 30, 1919.

H. R. 12596. An act authorizing the leasing of unallotted irrigable land.

H. R. 14250. An act authorizing reimposition and extension of trust period on lands for the use of the Capitan Grande Band of Indians in California.

H. R. 15602. An act to amend the act referring the Delaware Indian claims to the Court of Claims.

H. R. 15906. An act authorizing purchase of land for addition to Indian school, Phoenix, Ariz.

H. R. 16207. An act to provide adequate water supply for Sequoyah Training School.

H. R. 16209. An act authorizing reconnaissance work in Rio Grande conservancy district, New Mexico.

H. R. 16212. An act authorizing per capita payments to Cheyenne River Indians, South Dakota.

H. R. 16287. An act to irrigate additional lands at Fort Hall, Idaho.

H. R. 16744. An act authorizing a per capita payment to Fort Hall Indians.

H. R. 16845. An act to amend Crow Act regarding leasing of lands.

H. J. Res. 134. House joint resolution authorizing Five Civilized Tribes to prosecute claims jointly or severally.

S. 7. An act authorizing the cancellation and remittance of construction costs against allotted Paiute Indian lands and to reimburse Carson-Truckee irrigation district.

S. 585. An act for the relief of F. E. Romberg.

S. 850. An act for the relief of Robert A. Pickett.

S. 1550. An act to appropriate certain tribal funds for the benefit of the Fort Peck and Blackfeet Indians.

S. 1613. An act setting aside Rice Lake and contiguous lands for use of Chippewa Indians.

S. 1963. An act authorizing citizen band of Pottawatomie Indians to submit claims to Court of Claims.

S. 1989. An act to purchase additional land for Reno Indian Colony, Nevada.

S. 2141. An act authorizing the Assiniboine Indians to submit claims to the Court of Claims.

S. 2202. An act authorizing certain claims to be presented to the Supreme Court on appeal from the decision of the Court of Claims.

S. 2530. An act authorizing the use of tribal funds for the protection of tribal property.

S. 2702. An act to set apart additional land to be added to the Morongo Reservation, Calif.

S. 2706. An act to add certain land to the Santa Ysabel Reservation, Calif.

S. 2714. An act to authorize the cancellation, under certain conditions, of patents in fee simple issued to certain Indians.

S. 2817. An act for the relief of Edgar K. Miller.

S. 2868. An act authorizing the Crow Tribe of Indians to submit their claim to the Court of Claims.

S. 2826. An act for the construction of an irrigation dam on Walker River, Nev.

S. 3122. An act for the completion of the road from Tucson to Ajo, Ariz.

S. 3259. An act for the enrollment of Martha Brace as a Kiowa Indian.

S. 3361. An act to purchase lands for addition to Papago Indian Reservation.

S. 3382. An act to pay expenses of Klamath Indian delegates.

S. 3538. An act to pay legal expenses incurred by Sac and Fox Indians.

S. 3613. An act authorizing appropriation for monument for Quannah Parker.

S. 3749. An act for erection of school for use of Piute Indians at Burns, Oreg.

S. 3884. An act to pay expenses of delegates Tongue River Reservation.

S. 3953. An act for condemnation of Pueblo Indian lands.

S. 3958. An act for additional lands for use of Makah and Quileute Indians, Washington.

S. 4223. An act permitting the Cheyenne and Arapahoe Tribes to submit claims to Court of Claims.

S. 4344. An act for withdrawal of Mamaloose Island for use of Yakima Indians as burying ground.

S. 4893. An act authorizing oil and gas mining on Executive order Indian reservations.

S. 4942. An act to purchase privately owned land within Jicarilla Reservation.

S. 5523. An act authorizing the Shoshone Tribe of Indians to submit their claims to the Court of Claims.

S. J. Res. 60. Senate joint resolution authorizing expenditure of Fort Peck 4 per cent fund.

S. 4998. An act providing a water system for Indians of Reno Sparks colony, Nevada.

S. 5200. An act authorizing per capita payment from tribal funds to the Kiowa, Comanche, and Apache Indians of Oklahoma.

In addition to these 77 measures which became laws, 12 other bills passed the House but had not passed the Senate at adjournment, and 5 had passed the Senate but not the House. One Senate bill was pending in conference and another had been amended in the House and not thereafter acted on in the Senate. These latter matters will undoubtedly be before the committee again at the beginning of the next Congress.

The House Committee on Indian Affairs, while it has the power to report authorization bills, does not have the power to make appropriations. The Appropriations Subcommittee headed by Mr. CRAMTON, of Michigan, which handles the appropriations for the Department of the Interior, has in charge the making of the necessary appropriations for carrying on the work of the Bureau of Indian Affairs. The bureau, in turn, is directly charged with the responsibility of acting as the official guardian of the American Indians and has, under the law, "the management of all Indian affairs and all matters arising out of Indian relations." I state this because functions of the committee of which I am chairman have been both misstated and misunderstood. Under the rules of the House, all proposed legislation concerning the relations of the United States with the Indians and the Indian tribes is referred to this committee. The committee has a broad jurisdiction of subjects relating to care, education, and management of the Indians, including the care and allotment of their lands. It also reports both general and special bills as to claims which are paid out of Indian funds. Its functions, however, are legislative entirely.

In the Sixty-ninth Congress the House Committee on Indian Affairs did not have before it any resolution with regard to investigations of the Indian Bureau. The only resolution of that kind introduced in the House was prepared in such form that it went to the Committee on Rules. The resolution was not reported out from that committee. A somewhat similar resolution introduced in the Senate was referred to a subcommittee of that Committee on Indian Affairs, which held hearings but had taken no definite action at the time of adjournment.

There is, however, at work a special staff of the Institute of Government Research, making a comprehensive general survey of Indian affairs. It is not created for the purpose of investigating charges. It exists for the purpose of studying the Indian situation, covering the educational, industrial, and social activities maintained among the Indians, their personal and their civil rights, and the general economic conditions among them.

The Institute for Government Research is a private organization with headquarters in Washington. It is nonpolitical and is in no way connected with the Government. It is organized to make such investigations of governmental activities, and can therefore be expected to submit a report which will be unbiased and of great value. The Secretary of the Interior and the Commissioner of Indian Affairs taking the initiative, have offered any and all cooperation desired. This is also true of many others, individuals and organizations, interested in the welfare of the Indians. The Committee on Indian Affairs of the House also desires to be of every possible and proper assistance. My personal opinion is that every organization and every individual desirous of being of real value in advancing the welfare of the American Indian should give such cooperation.

Undoubtedly the report of the Institute for Government Research will contain information and suggestions of the utmost value in connection with a further necessary legislative program. The attitude of this committee is that, realizing the seriousness of its problem, it desires information and suggestions from any honest and unselfish source.

The special staff of the Institute for Government Research assigned to this study is headed by Mr. Lewis Meriam, trained as a member of the institute's permanent staff. The other members are Mr. Henry Roe Cloud, president of the American Indian Institute of Wichita, Kans.; Dr. Edward Everett Dale, head of the department of history of the University of Oklahoma; Dr. Herbert R. Edwards, medical field secretary of the National Tuberculosis Association; Dr. F. A. McKenzie, professor of sociology of Juniata College, Pennsylvania, founder and organizer of the Society of American Indians; Miss Mary Louise Mark, professor of social statistics at Ohio State University; Dr. William Carson Ryan, professor of education at Swarthmore College, formerly educational director of the New York Evening Post and specialist in vocational education in the United States Bureau of Education; Dr. William J. Spillman, agricultural economist in the United States Department of Agriculture; Miss Emma Duke, a statistical expert, with experience in child welfare work; and Mr. Ray A. Brown, of University of Wisconsin, legal representative.

The members of this staff of specialists are to visit practically all of the field units of the Indian Service. The work is already under way in the West and a report is to be expected in about a year.

Of course, there are always those who condemn in advance the results of any movement not carried out entirely in accordance with their own ideas. The report to be made by the Institute of Government Research is no exception to this rule, just as I have been personally criticized because I have not made the committee the vehicle for carrying out prearranged programs by some self-appointed and self-styled friends of the Indians. The responsibility in connection with Indian affairs is too great and too serious for procedure except along very carefully thought out lines, and the chances of doing serious harm through accepting ill-considered proposals is fully as great as the possibility for doing good. I am convinced, however, that there is reason to expect results from this study by the institute, which will be of the utmost value to this committee and the Congress, as well as to the Bureau of Indian Affairs. It stands to reason that the Indians themselves will be greatly benefited.

I make this statement because there have been beneficial results from every sincere study, setting forth facts upon which

constructive steps could be taken. As an example, in 1923 the present Secretary of the Interior appointed a committee of 100 distinguished American citizens, including Indians who had become leaders among their people, to act as an advisory council of the department. Following some months of study, a meeting of the council was held in Washington on the 12th of December, 1923, with 66 members present. Some very constructive suggestions were made. Among the accomplishments, for example, there has resulted a complete reorganization of the Indian health service under the trained leadership of a public-health official. There has also come about a reorganization for greater efficiency of the bureau under the leadership of the commissioner himself.

These reorganization steps have now been worked out and it will be possible to study the beneficial results during the present year. This situation convinces me that there will be a spirit of cooperation within the bureau and the department in carrying out other constructive recommendations from the Institute for Government Research.

Still another study will be made during the coming season in connection with the irrigation projects on the Indian reservations. These irrigation projects are not those initiated by the Indian Service, but the last of them were placed under that supervision about two years ago.

The situation on these projects, from the standpoint of both Indians and white settlers, has been generally unfortunate. There are conflicting interests and in many places the progress of the Indians is being hampered by the weight of charges they are in no position to assume. I found a very ready spirit of cooperation this winter, leading to the appointment of a special commission to study this situation especially, as was done recently with regard to Government reclamation projects not on Indian reservations. Data pointing to a reasonable solution of this difficult problem will, I hope, be available when Congress convenes in December. The board making the study, and which will cooperate with the Indians and other people on the projects, consists of Ray P. Teele, an agricultural economist detailed by the Secretary of Agriculture; Supt. Porter J. Preston, of the reclamation project at Yuma, Ariz.; and C. A. Engel, supervising engineer of the Indian irrigation service, with headquarters at Blackfoot, Idaho.

In closing I am sure it will be interesting to call attention to the fine cooperation which has been received from the Committee on Appropriations, and especially the subcommittee of which Mr. CRAMTON, of Michigan, is chairman. The matter of total appropriations for Indian work is in itself indicative of this spirit. In this connection I call special attention to the fact that, leaving out deficiency bills, while over twenty-six and a quarter millions of dollars were appropriated by the Sixty-seventh Congress, this was increased to over twenty-nine and a quarter millions by the Sixty-eighth Congress and to just under thirty and a quarter millions by the Sixty-ninth Congress. Of these various amounts, the appropriations from tribal funds of the Indians themselves averaged about $2,400,000 for each of the three years, the indicated increases in the totals being from the Public Treasury.

Taking health and education as more specific illustrations, the steady increase is especially striking. Again considering the last three Congresses, it will be interesting to note that the Sixty-seventh Congress appropriated $10,362,408.36 for educational work, that the Sixty-eighth Congress increased this to $11,815,991.51, and that the Sixty-ninth Congress, just closed, increased the amount further to $12,895,415. This is without consideration of items contained in the second deficiency, which failed of passage. For health work among the Indians the increase of appropriations has been even more marked. The appropriations of the Sixty-seventh Congress for this purpose were $901,260, those of the Sixty-eighth Congress $1,597,375, and for the Sixty-ninth Congress the sum amounted to $2,119,920, considerably more than double the similar appropriations of the Sixty-seventh Congress. There were also further items in the second deficiency bill.

All this points conclusively to the spirit of Congress in connection with the work among the Indians. There is a full recognition of the fact that the health and educational problems in particular have not yet been solved. No informed person will claim that they have. There is still an appalling situation and a tremendous amount of work to be accomplished. But it is equally true that a sincere effort is being made to meet the situation, and there is, therefore, much reason for encouragement.

May I express the hope that criticism of those in places of responsibility will be constructive? In my opinion it is criminal to involve the vital problem of the Indians, having to do with the lives and welfare of thousands of human beings, in politics or in any schemes for personal advantage or aggrandizement.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House adjourned until to-morrow, Thursday, March 3, 1927, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1037. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination of Absecon Inlet, N. J.; to the Committee on Rivers and Harbors.

1038. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Fox River and connecting waters from Green Bay, Wis., to Portage, the Portage Canal, and the Wisconsin River, with a view to providing a waterway 9 feet deep from Green Bay to the Mississippi River; to the Committee on Rivers and Harbors.

1039. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Sarasota Bay, Fla.; to the Committee on Rivers and Harbors.

1040. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Edenton Harbor, N. C. (H. Doc. No. 772); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

1041. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of San Diego Harbor, Calif. (H. Doc. No. 773); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

1042. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Chicago River and its branches to determine whether fixed bridges shall be permitted, and if permitted, what clearance for navigation should be observed in their construction (H. Doc. No. 774); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

1043. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of the mouth of Mackay Creek, N. C. (H. Doc. No. 775); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

1044. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of channels from the inland waterway, Beaufort, N. C., beginning at a point where Gallants Channel connects with the inland waterway (PS to BI Channel), and via Gallants Canal and in front of the town of Beaufort through Bulkhead Shoal to the main inlet, with a view to providing a depth of 12 feet with suitable width (H. Doc. No. 776); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

1045. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Hyder Harbor, Alaska; to the Committee on Rivers and Harbors.

1046. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Bayou Des Ourse, La.; to the Committee on Rivers and Harbors.

1047. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Mill Creek, Va.; to the Committee on Rivers and Harbors.

1048. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Port Orford Harbor, Oreg.; to the Committee on Rivers and Harbors.

1049. A letter from the Governor of the Federal Reserve Board, transmitting copy of the annual report of the Federal Reserve Board covering operations during the year 1926 (H. Doc. No. 777); to the Committee on Banking and Currency, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. S. 5624. An act to provide for continued hospitalization at Liberty, N. Y., of certain beneficiaries of the Veterans' Bureau; without amendment (Rept. No. 2290). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. S. 5625. An act to provide for continued hospitalization at Saranac Lake, N. Y., of certain beneficiaries of the Veterans' Bureau; without amendment (Rept. No. 2291). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPEAKS: Committee on Military Affairs. S. 4691. An act to further amend section 90 of the national defense act of June 3, 1916, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized; without amendment (Rept. No. 2292). Referred to the Committee of the Whole House on the state of the Union.

Mr. STOBBS: Committee on the Judiciary. H. R. 17275. A bill granting immunity to certain witnesses; without amendment (Rept. No. 2297). Referred to the House Calendar.

Mr. FAIRCHILD: Committee on Foreign Affairs. H. Res. 357. A resolution upholding the President in maintaining the rights of the United States and of its citizens in Mexico and in Nicaragua, and in observing treaty obligations to the Nicaraguan Government recognized by the Government of the United States; with an amendment (Rept. No. 2298). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. House Report No. 2299. A report on the impeachment charges against Hon. Frank Cooper, United States district judge for the northern district of New York, stating that the evidence submitted does not call for action under the constitutional impeachment powers; without amendment (Rept. No. 2299). Referred to the House Calendar.

Mr. WASON: Committee on Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Commerce (Rept. No. 2300). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JAMES: Committee on Military Affairs. H. R. 1719. A bill for the relief of George H. Gilbert; without amendment (Rept. No. 2293). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 2675. A bill for the relief of Michael Patrick Sullivan; with amendment (Rept. No. 2294). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. H. R. 11736. A bill for the relief of John Berrian; without amendment (Rept. 2295). Referred to the Committee of the Whole House.

Mr. SWING: Committee on the Public Lands. H. R. 16842. A bill authorizing the issuance of a certain patent; without amendment (Rept. No. 2296). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NEWTON of Minnesota (by request): A bill (H. R. 17390) to repeal section 15a of the act to regulate commerce, as amended February 28, 1920, and to enact in lieu thereof provisions for meeting the transportation needs of the country; to the Committee on Interstate and Foreign Commerce.

By Mr. FREE: A bill (H. R. 17391) providing for the apportionment of money received from forest reserves; to the Committee on Agriculture.

By Mr. REECE: A bill (H. R. 17392) to provide for the preservation, completion, maintenance, operation, and use of the United States Muscle Shoals project for war, navigation, fertilizer manufacture, electric-power production, and other purposes, and, in connection therewith, the incorporation of the Farmers' Federated Fertilizer Corporation and the lease to it of the said project; to the Committee on Military Affairs.

By Mr. PERLMAN: A bill (H. R. 17393) for the promotion of the welfare, safety, and health of employees in and about mines and quarries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: Joint resolution (H. J. Res. 373) to authorize the members of the Committee on Ways and Means of the House of Representatives to hold hearings after March 4, 1927; to the Committee on Rules.

By Mr. BLOOM: Joint resolution (H. J. Res. 374) calling on the Department of State and the Department of the Navy, or such other agency of the Government of the United States as may be informed, for a report of all casualties which have occurred among military forces now in occupancy of Nicaraguan soil; to the Committee on Foreign Affairs.

By Mr. SOSNOWSKI: Joint resolution (H. J. Res. 375) to provide for an investigation of communistic activities in the United States; to the Committee on Rules.

By Mr. SOMERS of New York: Joint resolution (H. J. Res. 376) to create a commission to consider the practicability of establishing a system of tribunals for adjudicating controversies among the different governments of America; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the legislature of the State of California, relating to the re-creating of the position of United States district judge for the northern district of California; to the Committee on the Judiciary.

Memorial of the legislature of the State of Montana praying for the immediate passage of the Tyson-Fitzgerald bill, an act for the relief of disabled emergency Army officers, now pending; to the Committee on Military Affairs.

By Mr. EVANS: Memorial of the Legislature of the State of Montana, praying for the immediate passage of the Tyson-Fitzgerald bill, an act for the relief of disabled emergency Army officers, now pending; to the Committee on World War Veterans' Legislation.

By Mr. LEATHERWOOD: Memorial of the Legislature of the State of Utah, memorializing the Congress of the United States not to pass the Cameron bill, being Senate bill 1856, now in the House Committee on Irrigation and Reclamation; to the Committee on Irrigation and Reclamation.

By Mr. LEAVITT: Memorial of the twentieth session of the Legislature of the State of Montana, favoring passage of the Tyson-Fitzgerald disabled emergency officers' bill in the present Congress; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOWELL: A bill (H. R. 17394) granting a pension to Nettie Hodges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17395) granting an increase of pension to Martha M. Warnock; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 17396) granting an increase of pension to Amy Ann Wilcox; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 17397) granting a pension to Morgan L. Dively; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7570. By Mr. BURTON: Memorial of meeting of citizens of Cleveland, protesting against the present foreign policy of the President and Secretary of State; to the Committee on Foreign Affairs.

7571. Also, memorial of citizens of Cleveland, Ohio, urging immediate steps be taken on the Civil War pension bill providing relief for needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

7572. By Mr. CULLEN: Resolutions adopted by the Traveling Salesmen of the Nation, urging the repeal of the wartime Pullman surcharge; to the Committee on Ways and Means.

7573. By Mr. FRENCH: Petition of citizens of Idaho, in behalf of legislation increasing pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7574. By Mr. GARBER: Resolution from Group 1 of the Oklahoma Bankers Association of Oklahoma, by Eugene P. Gum, secretary, indorsing the national defense act of 1920 and urging that adequate appropriations be made for the support of the Regular Army, National Guard, Organized Reserves, and Reserve Officers Training Corps as recommended by the Secretary of War; to the Committee on Appropriations.

7575. By Mr. HILL of Washington: Petition of Mrs. Chas. D. Clough and 14 others, of Spokane, Wash., protesting against the passage by Congress of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7576. By Mr. HOOPER: Petition of L. F. Westfall and 14 other residents of Hillsdale, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

7577. By Mr. KETCHAM: Petition of 79 residents of Berrien Springs, Mich., and vicinity, protesting against the Sunday observance bill (H. R. 10311); to the Committee on the District of Columbia.

7578. By Mr. MARTIN of Massachusetts: Petition of sundry citizens of Taunton, Mass., advocating passage of legislation to increase pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7579. By Mr. O'CONNELL of New York: Petition of Gorgas Memorial Institute of Tropical and Preventive Medicine, of Chicago, Ill., favoring the passage of Senate bill 5449, to provide for a memorial laboratory to William Crawford Gorgas; to the Committee on the Library.

7580. Also, petition of the National Federation of Federal Employees, favoring the passage of House bill 359 and Senate bill 1077, to provide for the abolishment of the Personnel Classification Board, and House Joint Resolution 321 and Senate Joint Resolution 147, to create a congressional commission to study the Federal retirement system; to the Committee on the Civil Service.

7581. By Mrs. ROGERS: Petition by citizens of Lowell, Mass., in opposition to Senate bill 4821, pertaining to the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

7582. By Mr. WASON: Letter and resolution of the New Hampshire Department of the American Legion, in support of the Tyson and Fitzgerald bills for the retirement of the disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

SENATE

THURSDAY, *March 3, 1927*

(Continuation of the proceedings from 10 p. m. of the legislative day of Wednesday, March 2, 1927)

THE COPPER-MINING INDUSTRY AND BOULDER DAM

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. CAMERON. Mr. President, I am desirous of submitting certain data pertaining to the domestic copper-mining industry. This data will be supplemental and will bring down to date the arguments I advanced in April last, and on June 26, 1926, on this floor urging that protection be accorded our domestic copper miner.

It is very evident that each passing month but emphasizes and corroborates the destructive foreign labor competition besetting our domestic copper miner. He not alone continues to receive an inadequate wage, but his home equities are at a minimum and his economic future trends toward utter ruin under the present free trade copper policy.

We note the passing of the very efficient old-time American copper miner and the constant inflow of cheap foreign labor to replace him.

We note that out of 49 copper-producing districts within Arizona there are only 11 now producing copper. We find that it is entirely impossible to secure adequate funds properly to explore the copper districts, which are 38 in number, now dormant, and that home and business equities within the 9 producing districts are at a minimum.

It is self-evident that if no additional copper reserves are developed within the 38 unexplored districts it is only a question of time when the copper industry of Arizona will cease to exist.

The tragedy of it all is that not alone now but during the past five years copper has sold 20 per cent below its average price, whereas it would have been sold 50 per cent above. This 70 per cent loss falls largely on the copper miner, due to the inadequate wage paid him, the result being that the American miner within his home copper areas has virtually ceased to exist and has been replaced by cheap and ignorant foreign labor.

I began to advocate a 6-cent copper tariff nearly two years ago. I have submitted a mass of statistical data in support thereof. I have challenged free-trade copper advocates to answer analytically the arguments that I advanced in my speeches on this floor during the past year. No free-trade advocate of copper has ever dared to answer, nor has ever dared to advocate free trade for the copper miner when all other metal miners and virtually all other domestic labor are adequately protected.

The shallow, specious statements made by the free-trade copper advocates upon the platform are never repeated in this forum. You will never find such an advocate committing himself within the Halls of Congress. He takes refuge in glittering generalities and discusses any and all other issues except adequate protection for our copper miner.

If these advocates of free-trade copper are sincere in their belief, why do they hesitate to present arguments and statistical data supporting their contentions? Why do they hesitate to disprove the arguments and data outlined in my speeches advocating a copper tariff?

The answer is that they can not disprove them and are utterly unable to support their untenable position of free-trade copper when virtually all other domestic metals and commodities are rigidly protected.

The copper miner should have received adequate protection in 1922 under the provisions of the Fordney-McCumber Tariff Act, but certain domestic fabricating agencies likewise interested in copper reserves saw to it that copper remained on the free list.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Mississippi?

Mr. CAMERON. I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. HARRISON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. HARRISON. There is so much confusion in the Chamber that I could not understand whether the Senator from Arizona said he was in favor of free trade on copper or a tariff on copper.

Mr. CAMERON. If the Senator will listen a little while, he will find out. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order, so the Senator from Arizona may be heard in all parts of the Chamber.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Arizona yield for a question?

Mr. CAMERON. I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. CAMERON. The manipulative subversive agencies, then as now in control of our domestic copper fabricating and mine industries, also controlled the vast copper reserves of Chile. These agencies above all desired a high protective tariff in the manufactured article and their low-cost Chilean copper on the free list in order to obtain the maximum manufacturing profit possible.

These subversive agencies are charging excessive commodity prices for the protected manufactured copper article, yet our domestic copper is selling at a ruinous price.

If free trade is such an excellent thing for the domestic copper miner, why not apply free trade to the copper fabricator and all other domestic commodities and industries?

Who dares openly to champion free trade for our domestic copper miner and protection for all other commodities and industries?

Mr. COPELAND. Mr. President, a point of order.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New York?

Mr. COPELAND. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. COPELAND. The Senate is in such disorder that I can not hear the Senator from Arizona.

The PRESIDING OFFICER. The Chair thinks the Senate is in very good order, but there must be better order in the Chamber. [Laughter.]

Mr. CAMERON. I might suggest to those Senators who can not hear me that there is plenty of room over here in front of me, and they can come over closer to me.

The only agencies that have dared to advocate, and very stealthily so, free trade for our copper miner are those in control of foreign copper reserves.

The vicious discrimination of destroying our domestic copper miner through forcing him to meet the unrestricted competition of foreign slave-labor-produced copper is unequaled in our industrial history. I challenge anyone to point out so vicious a parallel to the one now crushing our domestic copper miner.

Surely the industrial conscience of our country is unfamiliar with the crucifixion of our domestic copper miner. Surely Congress will not permit the extinction of our domestic copper miner in order to satiate the greedy ambition of certain manipulative, domestic financiers who control foreign copper reserves.

Mr. NEELY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.